THE CHAIRMAN: As you know, this morning I conducted a short hearing, at the end of which I indicated that I would require those making oral opening statements today to undertake not, in their oral opening statements, to name the real name of HN104, Carlo Neri, in the interests of his 15-year old child. I ask whether or not you are willing to give that undertaking. If you are not, then the consequence will be that your oral opening will not be live-streamed. Instead, it will be video and audio recorded and put up on the Inquiry's website at the end of the day with the references to the real name redacted.

MS KAUFMANN: Good morning, sir.

My understanding -- I wasn't present at that hearing. I was represented -- or rather, my client was represented by Fiona Murphy. My understanding had been that you had indicated you would either make a ruling under Section 17 of the Inquiries Act, or take the path of being presented with undertakings.

So am I correct that you decided in the end that you would not make a ruling under section 17, such that now, the question of whether or not my opening statement can be live-streamed is to be determined on the basis of
whether I will give that undertaking?

THE CHAIRMAN: Your understanding is correct.

MS KAUFMANN: Okay, thank you, sir.

Well, as I have indicated already to Ms Murphy, I am prepared to give that undertaking. I had indicated that I would also be prepared to abide by any ruling that you had made. And so I won't be naming Carlo Neri's real name in the course of my opening.

THE CHAIRMAN: Thank you very much. As you know, what you say is being taken down by shorthand writers as well as recorded. Could you please break after about an hour and a quarter to permit them to have a rest?

MS KAUFMANN: I certainly will. And in the event that I get carried away and fail to keep my eye on the clock, I'd be very grateful if someone could interrupt me and tell me it's time for a break. I will certainly try to keep my eye on the clock, but I may fail to do so.

THE CHAIRMAN: You may find that person is me.

Opening statement on behalf of Category H Core Participants

by MS KAUFMANN

MS KAUFMANN: Sir, I represent 18 women who were deceived into long-term intimate sexual relationships with undercover officers, two women who were deceived into long-term close friendships which became sexual on more than one occasion, one woman who was deceived into
a close, long-term friendship.

The earliest of these relationships began in 1985 and the most recent ended in 2015. So that's four years after the scandal came to light. I appear, together with Ruth Brander; and the solicitors firms who are representing my clients are Birnberg Peirce, Hickman & Rose and Hodge Jones & Allen.

Sir, you've received a written opening statement from us, which, as I understand it, is now available on the Inquiry website. And that document is one which includes far more detail than I am able to give this morning. In particular, it includes details of each relationship that my clients had with an undercover officer.

In my oral submissions today I am going to touch on those in the briefest of ways. I am going to focus instead, in detail, on the common issues and themes that the written statement addresses. But I will tell you in much more detail about one case in particular, and that's "Rosa's" case, because the women consider it important that you, and the public more widely, hear at least one detailed account of how appallingly the women have been abused.

In total, there are now more than 30 women who know that they were deceived into such relationships by
undercover police officers spying on campaign groups.
Other women are represented separately in the Inquiry; and you will hear from Heather Williams later this afternoon in relation to her clients.

At least one of those relationships, that of "Mary" and Rick Gibson, dates all the way back to 1975. It's very likely that there are other women who have yet to discover that they were affected.

The Inquiry itself has led to a number of women, including six of those that I represent, discovering that relationships which they had always believed to have been significant and genuine were in fact police infiltrations. There may be other women in the same position who don't yet know.

And the extensive anonymity granted by the Inquiry to officers, including of their cover names, means that these women will continue to be denied the truth; and thereby prevented from giving relevant evidence, so hampering the ability of the Inquiry to get to the truth about the frequency, the nature and the scale of these abuses.

Most of the women who were deceived were involved to some degree or other with political or campaigning activities, activities challenging oppression, challenging injustice, seeking a better, more
sustainable world. Such political freedom of speech and
protest, as others have said before me on behalf of
non-state core participants, but which it is vital to
repeat and drive home, is the bedrock of democratic
societies across the world. It's protected by both
international and domestic law.

Some of the women weren't themselves political, but
they happened to be useful to officers by giving them
a cover to gain entry into, or maintain ties with,
political groups with whom those women had friendships.

To the extent that there was any legitimate policing
interests at all in the groups -- and this is something
which is seriously contested -- it is out of all
proportion to the devastation inflicted by
the infiltration of their bodies, their emotional lives,
their families and their homes.

These relationships amounted to the most serious
violations of the women's human rights, including their
right to privacy, to freedom of expression, to freedom
of association; and most significantly, their right to
dignity: their absolute right not to be subjected to
inhuman and degrading treatment. No matter what
accusations were being levelled at either the groups
the officers were targeting, or even the women
themselves, there was and could be no lawful excuse for
such seriously abusive relationships.

This is not a vexed issue, as the officers represented by Slater and Gordon seek to suggest. There is nothing difficult about balancing the rights of women against the interests of the state in policing environmental, political and social justice movements.

As the Metropolitan Police has long recognised, even since it settled some of the cases brought by some of the women, these deceitful relationships were not justified and can never be justified. And it is grossly offensive and insulting for the officers represented by Slater and Gordon to attempt to perpetuate the lie that any of these women consented to the abuse that was perpetrated on them.

These relationships were driven by institutional sexism: an expression of the deeply sexist attitudes pervading the police in general and the undercover units in particular. Such attitudes, founded on a lack of respect for women's autonomy, resulted in the use of the women as mere objects, as props to shore up the fake identities of the officers. Something which even now, as noted, disgustingly, the officers represented by Slater and Gordon continue to think is okay.

The proportion of women used as objects in this way hugely outnumbered the men. And women were inevitably
at risk of suffering so much more than men. Only women could fall pregnant and give birth to the child of an officer; only women could lose their childbearing years to the manipulation of the state.

And that sexism is also displayed by the assumption that it was acceptable to hide the relationships from the wives of the officers, with no consideration given to the impact on them of that deception and the harm caused to their families.

We now know that married officers were deliberately selected for undercover work in the SDS, because it was thought that this would make them more likely to transition back to their former life at the end of the deployment, so reducing the risk, for example, that they might go rogue, and defect and join the groups they were spying on.

As you've heard so powerfully from the wives, they were also seen and treated as objects to be used to suit the purposes of these units, rather than people with rights that needed to be respected.

Before I turn to address the common themes, I want to introduce the women I represent, and I want to tell you about the undercover officers who received them, when and over what time.

"Lizzie" met Mike Chitty, who she knew as
"Mike Blake", in 1984, when she was involved in SLAM, that's the South London Animal Rights Movement. They started an intimate and committed relationship in 1985, and they were together for about a year-and-a-half, when he suddenly said he was moving to Florida. He then disappeared from her life, not responding to her letters. Until suddenly, in 1989, he reappeared, and tried repeatedly to resume the relationship, but "Lizzie" had lost trust.

Belinda Harvey is one of those woman who was not involved in any social or political movements but she knew woman who were. In 1987, she was deceived into an intimate and intense relationship with Bob Lambert, a man she knew as "Bob Robinson". This lasted for almost two years; and during that time, Lambert moved into her house. He disappeared from her life in December 1998. At one point, Lambert told Belinda about his intent to plant incendiary drives in Debenhams, which she attempted to dissuade him from doing.

In 1990, Helen Steel was deceived into a relationship with John Dines, who was posing as fellow protester "John Barker"; and they got to know each other through their involvement in London Greenpeace. And as you'll hear from Helen later, London Greenpeace is not the Greenpeace we all know; it was a small environmental
movement operating in London. Helen was 24 at the time.

The relationship became deeply committed, and the couple moved in together, and they discussed a future life, a life with children. But after about two years, John suddenly disappeared from Helen's life. And as we'll hear later, Helen spent 18 years searching for him and trying to find out the truth.

Between 1991 and 1994, Denise Fuller had an intimate relationship with a man she knew as "Matt Rayner". Rayner was in fact an undercover officer.

"Bea" had an intimate relationship with Anthony Lewis, whom she knew as "Bobby". "Anthony Lewis" was his cover name and "Bobby" was his nickname, how he was known. This relationship went on between 1992 and 1993, after she'd met him at a meeting of the Socialist Workers' Party in Dalston in London.

At the time, Bea was a single parent, she had two young children and she'd just escaped from an abusive relationship. So she was extremely vulnerable at the time.

Like "Bea", "Jenny" also met Bobby through her involvement. She was also involved in the SWP and, in addition, in the Anti-Nazi League. She met Bobby in 1992 and 1993, and they became very good friends. And in 2005, Bobby told her that he was leaving for Spain.
And they spent an emotional last evening together at the end of which they went to bed. She discovered in 2019 that he had been an undercover officer when she saw a photograph of him on her friend's Facebook feed.

"Jessica" was only 19-years old in 1992 when she was received into a relationship with Andy Davey. That relationship continued for more than a year. They met in the course of their involvement in London Boots Animal Action demonstrations, and he told her he was 24. In fact, Andy Davey is really Andy Coles and he was 32-years old and married at the time.

When Jessica discovered the truth about him in 2017, Coles was the Deputy Police and Crime Commissioner for Cambridgeshire. He was also a Conservative party councillor for Peterborough Council, something which he remains to date.

In 1995, "Alison" was a teacher. She began a relationship with Mark Cassidy, who she had met through her involvement in the Colin Roach Centre. The relationship was extremely close and intense over a five-year period. For most of that time they lived together. Like Helen Steel, Alison spent many years searching for the truth after Cassidy, really Mark Jenner, a married undercover officer with two children, suddenly disappeared.
"Monica" met "Jim Sutton", real name Jim Boyling, in 1996, through her involvement in Reclaim the Streets. They began an intimate relationship in April 1997. It lasted for about six months, but after it ended they remained good friends for a couple of years.

"Ruth" was also involved in Reclaim the Streets, and she met Jim Sutton, real name "Jim Boyling", when he was in a relationship with Monica. And after that relationship broken down in late 1997, she began to see Sutton. This was her first really serious relationship and it lasted for almost two years.

"Rosa" was also active in Reclaim the Streets. And I'm going to come on to her relationship in detail later.

Next, I'm going to tell you about three of my clients together: "Wendy", "Sara" and "Ellie".

In about 1997, "Wendy", who was involved in the animal rights movement, met a fellow hunt Sabber named "James Straven". Over the following years, Straven became one of her closest friends. She put in a good word for him when, in late 1998, he expressed an interest in "Sara", who had recently joined the hunt sab group. And that good word seems to have borne fruit because "Sara" and James then had an intimate relationship for about two years, which ended as
a result of James' claim that he had difficulties in maintaining intimate relationships for long periods because of a traumatic set of childhood experiences. Despite such protestations, however, shortly afterwards he began a relationship with "Ellie", who he had met through "Wendy". "Ellie" was only 21. The relationship ended almost a year later when James said he was moving abroad.

"Wendy" and "Ellie" continued to stay in touch with James, both by email and other messaging, and they met every couple of years.

In April of 2018, James called "Ellie", telling her that he'd been an undercover officer. He told her to delete their WhatsApp message and their emails. It's absolutely clear that he was trying to destroy the evidence that was going to reveal the lies that he had already told the Inquiry, because James had twice lied to the Inquiry.

First, he denied that he had any intimate relationship, including with "Sara" and "Ellie"; and, second, that the only details he could provide in order that contact could be made with them was a guess at an old email address.

Between 2002 and 2004, Donna McLean had an intimate relationship with Carlo Neri, whom she had met at an
anti-war demonstration. They lived together and he proposed marriage. At the time of this relationship, he was already married and he had a small child; and he had a second child shortly after his relationship with Donna ended.

The following five women were all deceived by Mark Kennedy, whose cover name was "Mark Stone"; and they all met him in the course of their activism in environmental and social justice movements. Kate Wilson met Kennedy in Nottingham in late 2003, at a meeting of the Nottingham Network for Social and Environmental Activists. They quickly became intimate and were very closely involved in each other's lives.

By 2005, their relationship had become largely platonic, but they remained very, very close. And he remained her point -- her main point of contact in the UK in the following years when she moved abroad.

"Lisa" met Kennedy through her involvement in environmental and social justice activism; and she began a relationship with Kennedy in late 2004. They went on to have an intimate, committed relationship, that lasted for six years. He was close to her family; he attended her father's funeral. The relationship ended in October 2010 when "Lisa" and others together with -- who gave her help, uncovered Kennedy's true identity.
"Naomi" was also involved in environmental and social justice campaigning when she met Kennedy in 2003, and she began a relationship with him in 2005. It lasted for about six months. And they, too, remained close friends over the ensuing years, and they had two more sexual encounters.

"C", also a long-term environmental activist, met Kennedy in 2009 at the Earth First! gathering in Cumbria, and they became friends. In early 2010, he contacted "C", and he went out of his way to establish a connection with her. They began an intimate relationship in March of 2010; and it's understood that around this time, Kennedy had actually met the Metropolitan Police Force and was now working for a private security firm.

"Jane" was a very close friend of Kennedy's for seven years; that is throughout the entire period of his deployment as an undercover officer. She was the first person he met on the activist scene when he arrived in Nottingham. They had a few intimate encounters in late 2008, and thereafter they remained close friends until his true identity was revealed in October 2010.

"Maya", whilst living in a housing cooperative in Lewisham, met the undercover officer "Rob Harrison"; that's his cover name. She met him through neighbours
who were activists involved in anti-imperialism and Palestinian solidarity. She began a relationship with him in May 2006. It lasted for almost a year, when he suddenly claimed that his mother was dying of cancer and he needed to spend her final months with her. After he left, he communicated intermittently. And then in August of 2014 he contacted her again, and on his invitation they met up.

Over the next few months, he expressed a desire to reassume the relationship and to have children together. And as a result of this fresh contact, "Maya" broke up with the partner she had been in a relationship with for the previous five years and who she was also living with at the time.

In February of 2015, "Maya" and Rob slept together for the first time since they had been separated in 2007, and they had unprotected sex, and "Maya" then had to take emergency contraception the following day. The same day, Rob disappeared; and with the exception of one email sent to her in 2016, he has never contacted "Maya" since. In March 2017 -- 2019, "Maya" learned that Rob Harrison was an undercover officer.

I'm now going to tell you in detail about "Rosa", to give you a deeper sense, as I said, of what the women have been through. And also in response to the opening
statement on behalf of the officers represented by
Slater and Gordon, in which a point was made that one of
the women continued their relationship once they had
found out that the man that they had been involved with
was an undercover officer. They were referring to
"Rosa".

"Rosa" is a politics graduate with a masters in
political theory. She's always felt a strong obligation
to stand up to injustice. She joined Anti-Apartheid in
her teenage years, and she has been active in campaigns
around animal rights, environmental, anti-racist and
social justice issues ever since then. Her political
activism is central to who she is. When I say "ever
since then", I should preface that: she was until
Jim Boyling came into her life.

Like "Monica" and "Ruth", "Rosa" met Jim Boyling
through Reclaim the Streets, and shortly after his
relationship with Ruth ended in November 1999, he
started an intense, intimate relationship with "Rosa".

Initially, "Rosa" tried to end it because she wasn't
comfortable with the extent of the intensity. But he
dissuaded her, claiming that he felt relieved to hear
that he, too, had the same fears, that everything would
be fine, and he felt that it was as if they were
soulmates. And within a very short period of time,
"Rosa" thought, too, that she had met her soulmate.

She now understands that this was the result of his training in mirroring. We're going to hear more about this later.

She also now believes that Jason Bishop, another undercover officer, passed on information to Jim that she'd shared with him prior to meeting Jim, and that Jim used in an attempt to increase their emotional connection. And as a result of that seemingly significant connection and her relationship with him, "Rosa" changed her plans, and she rejected an offer of a quarterly guest editorialship in the green European youth magazine, "Green Pepper". She felt it was too soon to be in a different country to him.

In February 2000, at Jim's suggestion, she moved in with him, and their relationship appeared to blossom. Their time between their political commitments was spent as a couple, sensuously cooking together, playing in the park, and each seeming to grow as a person in light -- as a person, in light of learning from each other.

One day in May, out of the blue, Jim came only and told "Rosa" that he needed to sort his head out and that he planned to go travelling alone that September. Despite being deeply hurt, "Rosa" accepted that, and she accepted it was right for him to do this. Nevertheless,
at his instigation, they discussed their future together, children and areas in which they'd settle on his return. They left a week early for the Earth First! gathering in Snowdonia in June 2000, again at his suggestion, to travel through the country of her family's heritage, to check out areas that they might move to.

However, as time passed, Jim's behaviour became erratic. On occasion, he'd hug "Rosa" tightly saying, "I never want to lose you," and then on other occasions he'd behave in a bizarre and sometimes abusive manner towards her. He then disclosed that he had been adopted, and that as a consequence he'd had a disturbing childhood.

When September came, John told "Rosa" he was going to travel to Turkey, and from there he planned to hitchhike to South Africa. He said he need to sort things out; he needed to do this on his own before they continued living together.

"Rosa" found this push and pull so hard that an old university friend offered her to stay in Cyprus with their family over the period that he was leaving. She eventually called him just before he left, and he was agitated, he had a heightened sense of security, suggesting that she shouldn't have called him, and she
shouldn't have used somebody else's phone. He said he'd call her from Turkey when she was home in London, and he later did. He was distressed, he was unstable, he was in tears, but claiming that he was so heartened by their conversation and the fact she still loved him, and that he would send a happier postcard that day, and he asked if he could call her in a couple of days. He stated he was about to hitchhike to Syria.

However, after that she didn't hear from him, and she became extremely worried for his safety. She started to suffer from anxiety, from depression. She had panic attacks, and she sought counselling. She contacted the Foreign Office to express concern about his safety, and they informed her that they had no record of his leaving Istanbul. And they told her that the Turkish authorities would be in control of investigating his disappearance, as he was considered to be a missing British national.

She tried to make contact with his family, but she couldn't locate them. She tried to find him by other means, including looking for his birth certificate for clues, but she couldn't find any trace of him. And at this point she called back to the Foreign Office, and she said that he had been located, he was safe and well, because she was terrified that he could be on the run
from the state and that she'd just told an arm of the
state where he was headed.

As part of her searches, she obtained his phone
bills. And she made phone calls to numbers which
weren't identifiable by close associates in their
political circles. And unbeknownst to her, these
numbers were for police officers, one of whom was Jim's
handler. One of the calls was answered by somebody who
sounded panicked, and he demanded to know where she'd
got the number. And that was, as we now know, a number
from somebody in the SDS headquarters.

The other call was answered by somebody who denied
knowing Jim, but then took a very lengthy message
because he said he might later realise that he did know
him.

"Rosa" then received a letter from Jim from Kenya,
and that was followed by a postcard, in which he said
that he would set up a new email address for himself.

He subsequently sent a series of emails over
the course of 2000 and 2001 from this address. They
stated he was still in love with her, that he'd been
forced to leave her against his wishes, that he wasn't
acting freely and that he wasn't coping well, and that
he hoped they'd meet again. He advised her not to
discuss issues on the phone, not to tell anyone of their
contact, explaining that otherwise it would make it difficult for him to contact her again.

She grilled him in her responses about what was going on, but she only received riddles back and no explanations, and eventually she cut contact with him, because the strain was affecting her physical health.

But she carried on searching, spending days at a time in the British Library searching through electoral records, tracking on foot areas he'd taken her to, phoning public and private bodies who held information, such as councils, undertaking similar searches for anyone he'd mentioned. She trawled the Family Records Centre for months but found no one who could be him. He'd seemingly never been born.

Through this period, "Rosa" had dropped out of her movement, no longer trusting that she could know who anyone really was. She tried to fill her waking hours not spent searching with intense activity to manage her psychological symptoms. As I said, she received counselling. And when her counsellor gave her hope that Jim was a good person in trauma, she began emailing him again. And he answered within half an hour; something he claimed was somehow mystical. He was full of mixed messages, having moved on, but being unable ever to move on. This was July 2001. And "Rosa" was so worried
about Jim that she travelled to South Africa where Jim's
emails had stated that he was.

One line of investigation suggested that he'd become
captured up in international drug smuggling. She also
needed answers as to what had just happened in her life,
if she was ever going to have closure. He emailed her
saying, "Please go home, Rosa, you're not going to find
me in South Africa, you'll be closer to me in London."
But she didn't believe him, as he seemed to be on
the run from something. So she kept searching in
South Africa. Numb due to the trauma, to the risks that
she was actually taking with her own safety.

She received further emails from Jim, including one
saying that he needed her to keep writing to him:
"I need to know you are there, even if I can't touch
you." "Rosa" now believes that Jim and his superiors
wanted her to keep emailing so that they could keep
track of her movements.

She then found out through a contact that she'd
recently made in South Africa that Jim was accessing his
emails in England, so she immediately returned to
the UK. And on her return, she was unable to cope with
ev even simple things, like names of underground stations,
signs. She was so traumatised and she was suffering
from paranoia to the extent that she feared for her
life, due to the perception that an unknown entity was trying to track her while she tracked him.

In her hypervigilant state, she was out of contact with everyone in her life. She was sleeping on strangers' floors and scanning for CCTV cameras everywhere she went.

She continued to try to find him, financed by the last of her savings, and eventually she manage to discover that Jim's real name is Jim Boyling. She identified the school that he'd gone to, and she obtained details of his true relatives. By this time, in November 2001, she had lost so much weight that she weighed less than 7 stone. She was scared to make contact with anyone she knew.

She researched the telephone numbers that she'd called from Jim's mobile phone and was informed that they were blocked, blocked government numbers with attached security triggers. She nonetheless managed to find the details of an address associated with one of the numbers. And on 3 November 2001, she went to the address. It was a small warehouse in Camberwell with opaque barred windows. She sat outside recording the number plates of the vehicles which appeared to be associated with the premises. She didn't know this at the time, but she had managed to find the premises out
of which the SDS operated. She did, however, work out
that the building was part of some kind of state
surveillance.

She didn't know if Jim was running from them or
being obliged to stay within their organisation. But
she felt that this information alone placed her at risk.

Two days later, on 5 November of 2001, "Rosa"
started working in a book store. And on that very same
day, Jim walked in. It's clear to "Rosa" she'd come too
close to finding out about the SDS and uncovering
the truth, and that Jim was sent to stop her.

When they met later that evening, he disclosed to
her that he had in fact been an undercover police
officer, and he told her his real name. He said,
however, that ...

I'm sorry, sir, I'm going to stop one second,
because I've just realised that my power is not plugged
in. So I'm just going to correct that. It's plugged in
now.

THE CHAIRMAN: Are you content to continue?

MS KAUFMANN: Sorry. So he -- yes.

So he told her his real name. But he said, however,
that he had, from the moment he had infiltrated
the groups, come to share their values. He told "Rosa"
he was very much in love with her and that he wanted to
continue their relationship. He claimed he'd tried to protect his fellow activists, hiding information from the police, undertaking actions that they didn't know about, because it was what he stood for. He insisted he was the only person placed in the movement, and that he'd been placed in it for a political investigation, insisting the movement was safe, but that he lived in fear of his work finding out who he really was inside politically, and that they'd destroy him if they found out.

He said he was being forced to live a false life, forever in their shadow, and was desperate to escape but he couldn't do it alone. He initially mocked her for thinking that the state spied on peaceful green organisations, and then he switched to loving compassion for the effect of the trauma on her perception.

"Rosa" had been destabilised and utterly isolated by over a year of searching, and by her extreme fear that she chanced on some kind of malevolent secret state organisation. She believed that Jim was telling her the truth, and she agreed to help him escape and start a new life.

She moved in with him pending their departure. At this point, it was just her and her rucksack. Within two weeks, she was pregnant.
Jim insisted that "Rosa" destroy all records of her activist past, claiming that they were at risk of being aggressively raided by the police at any time because of their relationship and them seeing that he had betrayed them. He oversaw the disposal of all pages of her address book, which contained contact details for all her activist friends. And in January 2002, he pressured her to change her name by deed poll, saying that otherwise it wouldn't be safe for her to seek medical help with her pregnancy. This erasure of "Rosa" we now know was another attempt to isolate her, preventing anyone from finding her.

Their first child, a daughter, was born in August of 2002. Despite continuing promises to leave the police, Jim continued working for the Metropolitan Police Service, eventually not undercover but in the Muslim Contact Unit, where he worked alongside Bob Lambert.

Save for two occasions in about 2002 and 2003, when they attended Kingston Green Fair, Jim insisted that "Rosa" should have no contact with any form of friends or acquaintances.

On the first occasion, Jim had made them suddenly hide behind a tent because he'd just seen another undercover officer -- this was Jason Bishop. Where previously he claimed there were no undercover officers...
in the movement apart from him, this was the beginning
of Jim describing their old world as pitted with
undercover officers and private informants, warning
"Rosa" that she could not know who anyone was, and that
she would be picked up by his work's radar before she
got to speak to anyone.

She was desperate to be part of the old community
with whom she shared her core beliefs. She was also
desperate to get a message to Helen Steel, especially so
once Jim told her that Helen's former partner, who
they'd both known as "John Barker", had also been an
undercover officer.

When Boyling had suddenly left in 2000 and "Rosa"
had started that desperate search, Helen had spoken to
"Rosa" about John Barker because, as I mentioned, like
"Rosa", Helen had carried out her own searches, and
those searches had led her to question who this man that
she had loved so much really was. So "Rosa" knew and
understood Helen's plight, and she wanted to tell her.

While at that Kingston fair, "Rosa" was unable to
spot anyone who could safely pass that message on to
Helen. Jim told "Rosa" that she wouldn't be able to
contact Helen without his work knowing about it. He
said that Helen's movements were being monitored, and he
gave details of the contents of Helen's luggage that
she -- he said she didn't know had even been searched. He referred to conversations picked up from phone taps on another friend. So "Rosa" was stuck. She just couldn't reach out.

In 2004, her son was born. Over time, Jim's behaviour had become increasingly controlling, erratic and abusive. "Rosa" wanted to leave him. Indeed, she tried on a few occasions. But she was trapped, because she believed he would be able to track her down and use his status and connections as an undercover police officer.

She telephoned Women's Aid for advice, but they confirmed her fears, that because he was a police officer in an undercover unit, they couldn't guarantee that he wouldn't be able to trace her when they changed her name and relocated her.

Despite her increasing concern, Jim convinced her to sign documentation at a registry office to marry him. He claimed a lack of commitment on her part was stopping him from turning his back on the police, from becoming Jim Sutton, his real self. She didn't find this credible, but she agreed to the marriage because if she was wrong, all would be resolved; but if she was right, her guilt for pulling the children from their home if she ran from Boyling would be diminished. After
the marriage, the relationship became even more abusive. "Rosa" moved into a caravan in Wales with the children in an effort to make Jim keep his promise to finally leave the police, and she took her birth name back against his wishes.

In December of 2006, Jim and "Rosa's" daughter was diagnosed with a rare, life-limiting, degenerative disorder, which has a very poor prognosis. In January 2007, "Rosa" learnt that their son also suffers from the same disorder.

Following this news, Bob Lambert, who was at the time Jim's manager and long spoken of by Jim for his role in the SDS, made what Jim described as a "welfare visit" to their home, together with another colleague from the SDS. This was a man she knew as "Noel".

"Rosa" had already learned from Jim that Noel was actually the man who had taken the message from her when she had tried finding him back in 2001.

On the occasion of Bob Lambert and Noel's visit, Noel told "Rosa" to contact him if she had any concerns about Jim's behaviour. But when she actually did so subsequently, the conversation turned sinister. He made it clear to her that should she ever speak out, it wouldn't only be Jim's word against her's but the weight of Special Branch also. She now believes that
the invitation to call was to set up an early warning system as part of their attempt to contain her.

Over the following months, Jim's behaviour deteriorated even further. And in February of 2007, "Rosa" fled with her children to a refuge. But the process of leaving him was protracted and difficult, and it wasn't until January 2008 that he agreed to a separation and commenced divorce proceedings. Through this period, he applied all his training, all his experience in deceit and manipulation to manipulate social services, on whom "Rosa" depended as did her children on account of their diagnosis.

In July 2010, "Rosa" took a risk to confide in someone who had been in her movement. She'd long considered this person to be a police plant and Boyling had even pointed them out to her when they were moving the family to live in a neighbouring district. However, on this occasion, the person claimed to have seen Boyling somewhere. Boyling had led "Rosa" to believe he couldn't go. And this made her fear that he, Boyling, may have returned to spying, and was using his previous connection to the family to lend him credibility.

Having confided in this person, she wrote a letter and asked for it to be passed to Helen Steel. And this person did pass the letter on, and so word finally
reached the environmental movement and the wider world
that Jim had been a spy.

"Rosa" met Helen later in the autumn and made
further disclosures, and I'll come on to those later.

"Rosa" spent the intervening years involved in
several cases and campaigns alongside the other women.
And I again will detail these later on. And that
included also making an official police complaint
against Boyling himself.

Jim remained a police officer with the Metropolitan
Police until he was finally sacked in 2018 following
disciplinary proceedings instituted as a result of
"Rosa's" complaint, in which he was found guilty of
gross misconduct because of his relationship with
"Rosa".

She provided evidence to that hearing. And in
the course of it, she was allowed to review a highly
redacted but nonetheless shocking bundle of documents
containing Boyling, other SDS officers and managers'
witness statements.

As part of the announcement of their finding,
the disciplinary panel read the contents of two files
that Boyling had submitted about her to his SDS
supervisors. He'd submitted the first just before he
moved her into his flat, and he referred to her as
a "significant organiser" of an event he was targeting, and in the second, which was submitted in the heydey of their relationship, he referred to her also as a "political organiser".

The tribunal panel noted that these files were inconsistent with his evidence, in which he had stated that "Rosa" was an apolitical waitress who was not a target of his investigation. As you can imagine, the experience of the misconduct proceedings was deeply traumatising.

The impact of these decades of events on "Rosa" has been too profound to properly be able to put into words. She's suffered from very significant psychiatric injury, and her ability to engage in political activity, as stated previously, a central part of her identity, has been irreparably damaged. She is unable to develop social or intimate relationships. She grieves for the loss of the person she was before she met Jim. She feels disconnected from the joy of life as a result of the need to numb her emotions, to dampen the trauma, and to make sure she's strong enough for her children.

Her two children born of the state operations require 24-hour care on a more than one-to-one basis, so they require live-in carers in addition to the full-time support that she provides.
She feels a strong sense of injustice for the lack of acknowledgement of the harm done to all of her children's lives. For her older two, who, had they been well, would have faced a lifetime of unimaginable identity issues. As it is, having a degenerative condition, their prime years were lost to isolation and abuse, robbed of all that was their mother's to share with them politically, socially, culturally. And since then, they are left in a precarious care situation, with only one family member to manage their high needs, with the consequential loss of opportunities and integration in the time they have left.

For her youngest, born of a donor as another relationship could not have been possible again, for the sense she lives with of threat and injustice from the state, for carrying the consequence of the police spying operations, including tending to and taking responsibility for her siblings. Her opportunities are profoundly affected, and she lives with the multiple effects and the toll it's taken on her mother.

"Rosa" wonders to what extent the Inquiry has begun to grasp the depth and the vast nature of the ramifications of the state operations. This is the truth about the relationship the Slater and Gordon officers spoke of as being renewed after the truth of
the status of the officer was disclosed: a decade of further deceit and abuse, ending in an escape to a women's refuge.

I'm now going to speak about how the undercover policing scandal came to light, because, like much else I will touch upon, it demonstrates the indispensable role that those spied upon must play if the Inquiry is going to get to the truth.

I do so, also, because it is notable that this has been completely glossed over so far. No mention was made by Counsel to the Inquiry of the central role played by the women in bringing to light the undercover policing scandal. That role doesn't even appear in the chronology. And Peter Francis suggested that were it not for him, this Inquiry would not have taken place. While he certainly played a significant role, he, too, downplays the vital role of the women.

This is a further display of sexism: of women being portrayed only as victims rescued by men, rather than as key players, whose incredible work has been absolutely central in bringing the limited truth we now know into the open, and whose testimony is going to be pivotal for this Inquiry to understand what really went on.

The public first became aware of this scandal when the story broke about Mark Kennedy in the media in
January 2011. And it was presented initially as an extraordinary tale of a rogue agent, somebody who had been inadequately supervised in his role as an undercover police officer responsible for policing environmental protest, and which had therefore enabled him to have sexual relationships with a number of women.

His cover was blown, as I've said, by "Lisa", who had been in a serious committed relationship with him for six years.

In the summer of 2010, she discovered his passport in his real name, which included reference to a child. Initially, the false explanations that he gave her convinced her. But doubts began to creep in, because there were inconsistencies in his story. And these increased when she heard from other protesters that Jim Sutton was an undercover police officer. And doubts were then also raised about another campaigner, Lynn Watson. And, thirdly, about Rod Richardson.

These doubts grew and eventually, in October 2010, "Lisa" decided to investigate with fellow activists and friends, and they started to research who Mark Kennedy really was. And it was as a result of "Lisa's" searches that his cover was blown. They presented him with unanswerable evidence, and he admitted the truth.

"Lisa" came to learn about Jim Sutton because "Rosa"
had managed to get the message out to Helen in
the summer of 2010 that Jim had been an
undercover officer, and Helen had then told fellow
campaigners, who in turn had passed that information to
others, eventually reaching "Lisa".

I mentioned that Helen visited "Rosa" in the autumn
of 2010. And at that stage, "Rosa" explained in more
detail that John Barker was also an undercover officer,
that Bob Lambert was an undercover officer, and that
Jason Bishop had also been a spy.

I mentioned before that after John Barker
disappeared, Helen had spent 18 years searching for him.
Like "Rosa", she demonstrated such a degree of
persistence and skill, relying entirely on her own
resources. She travelled across the world to
New Zealand in search for the truth. And while she was
unsuccessful in that she didn't manage to find
John Dines then -- I should say in parenthesis: she has
since found him and confronted him -- she did uncover
information which brought her very close to the truth,
and which led her to believe that he had been a police
officer.

But when she spoke to others about this, they all
told her that she was being completely paranoid and that
such a thing could never, ever happen in this country.
So this left Helen, for 18 years, in a state of appalling uncertainty and mistrust. Mistrust in her instincts and a fundamental mistrust in others. So to finally learn the truth after 18 years was both utterly devastating but also a spur for something to be done.

So she began to bring the women together, those women who it was now possible to identify as having been in relationships with the police spies whose identities were now known. And she suggested that they should try to take wider action to expose what was going on, that they should seek redress, and they should do what they can to prevent this from ever happening again.

These women included "Rosa", "Lisa", Belinda and "Alison". I mentioned "Alison" earlier as somebody who had also undertaken extensive researches for her ex-boyfriend. That was Mark Cassidy. And she, too, had come close to finding out the truth. She'd talked about Mark Cassidy's disappearance with Helen back in 2003.

So even though Mark Cassidy's name had not been associated with being an undercover officer, it was clear he was as well. And we've finally learned the truth about that: he is Mark Jenner.

By the end of 2011, eight women had begun legal proceedings against the Metropolitan Police Service in respect of those intimate relationships that they'd been
deceived into having. Other cases were also brought by other women, and Heather Williams represented some of those.

Since then, further women have come forward, as I've mentioned, including those who've learnt about the truth through the Inquiry. And the accumulation of cases raises the pressing question: are these really all instances of individual officers acting beyond their authority, or is the pursuit of intimate relationships with women a deliberate tactic?

The women strongly believe there are too many similarities between their cases and too many instances of undercover officers having relationships for the Metropolitan Police to maintain the position that it has adopted to date that these relationships resulted from a lack of supervision, they weren't known about, they weren't acquiesced in by more senior officers.

Through speaking to one another and sharing their experiences, the women have been able to identify recognisable techniques and traits. I've touched on some of those; I'm going to come into them in more detail later. Those techniques and traits continue to resurface. And this is one of the reasons why it is so critical that the Inquiry should draw on their knowledge and expertise, and indeed, on the knowledge and
expertise of all the non-state non-police
core participants, to aid with its investigation, not to
seek to compartmentalise their participation into
temporarily restricted categories, as it is doing at
present. It is by painstakingly piecing together
the many fragments of their experiences that these
important patterns and themes emerge.

The women know how they've been shaped by their
experiences, and how, as a result, they are able to
recognise things in each other's accounts that wouldn't
occur to those who haven't experienced anything similar.

Getting to the truth is also critically important to
enable them to move on with their lives. And this
necessarily includes understanding the wider systemic
issues of how these secret units developed and evolved
from the start. How the attitude towards sexual
relationships and using women came about. How knowledge
and techniques were shared. Who knew about the sexual
relationships. Who within the police sanctioned such
behaviour over so many years. Whether they were
condoned or encouraged. If not, why they weren't
stopped. Given the frequency with which they were
occurring, why weren't they stopped? The history of
surveillance of the women while they were searching for
missing partners. The development of containment
exercises when they were deemed to have found out too much.

And finally, the women need to know, as part of a community of women affected in this way, that all those affected have been found and have support, and that robust legal measures are in place to ensure that these abuses cannot be repeated in the future.

In due course, the Inquiry is likely to see psychiatric and psychological evidence in respect of the harm that undercover policing, and the relationships in particular, have done to the women. Time and again, these reports refer to the importance of learning the truth in order to be able to heal.

The Inquiry was, at least in part, set up for the purposes of establishing justice for the families and victims. And it should have at the forefront of its priorities, not only ensuring that its process doesn't exacerbate the harm done to the women, but it gives them the answers they need to heal.

The strength of that need to know is illustrated by the efforts of Kate Wilson in her pursuit of proceedings in the Investigatory Powers Tribunal. Something I'm going come to, again, in some detail later. She's pursued those efforts notwithstanding the fact that the Metropolitan Police has settled her common law
claims arising from the relationships that she had with
Mark Kennedy, and the other women who brought claims
against Kennedy were precluded by the terms of those
settlements from pursuing those claims in the IPT. And
for those who had relationships with Kennedy before 2000
there was no means by which they could pursue such
claims in the IPT. So Kate exemplifies that need for
the truth that resides in all the women. And in
a witness statement that she made in
the IPT proceedings, she said this:

"I have no criminal convictions, even for minor
offences, and the only reason that these officers
entered my life at all was because I was expressing my
political views and exercising my right to protest.

"I still do not know after six years of litigation
in the High Court whether Mark Kennedy defied his
guidelines and supervisors and began to share his life
with me in a dangerous web of lies he told me, but also
his handlers. The alternative is a much harder reality:
my sexual violation and emotional manipulation were not
simply a negligent oversight by managers and
supervisors. They were considered tactical decisions in
the police's highly questionable battle against a
thousand or more political groups in this country and
abroad."
"I still don't know what the true story is. But over the last six years new information and new perspectives have emerged that have forced me to accept that it is probably the latter narrative that is closer to the truth."

Since then, some initial disclosure has been made to Ms Wilson in the IPT proceedings which has led her to make a further statement, included in which she says the following:

"I am... acutely aware that the information I have been given is a drop in the ocean, the result of a conscious selection by the MPS of what they have chosen to reveal, and that there is very much that I still do not know. Nevertheless even that tiny and over-redacted sample has answered more of my burning questions than seven years of police defence statements and admissions.

"Not only is it now obvious that the actions of other officers are central to my claim, following this disclosure it is also clear that the Defendant's characterisation of the central claim in this matter as being 'the sexual relationship carried on by MK and the failure to properly supervise MK such that the relationship took place' is inaccurate. As I will discuss below, it was not simply a lack of supervision, there was active collusion by management in the
relationship and direct manipulation of my political activity."

In other words, even the minimal, selective and highly redacted disclosure so far made to Ms Wilson in the IPT proceedings has enabled her to shed critical light on the way in which the MPS has sought to characterise the context of her relationship with Mark Kennedy.

The admissions in her claim in the IPT don't only relate to the actions of Mark Kennedy, but also to six other undercover officers and Mark's principal cover officer.

The tribunal has made it clear that the state of knowledge of other more senior officers about the breaches of her Article 3 rights, that's her right not to be subjected to inhuman or degrading treatment, whilst now admitted, will be a key matter to be determined at the substantive hearings of the claim.

Now, this ought to highlight for the Inquiry the value of those whose -- with lived experience of undercover policing, the value that they can bring to the Inquiry's search for the truth.

It ought also to highlight, as one of the women has described, that the truth in relation to undercover policing is like an onion: that they are layers and
layers to peel away. And in order to get behind
the superficial, the partial truths, the Inquiry needs
the assistance of those who are able to critique
the police documents based on their own lived
experience.

It will ultimately be for the Inquiry to determine
where the truth lies. But it won't be able to fulfil
its task if it doesn't open those police documents and
the evidence up to scrutiny by others who were also
there at the time.

I want now to turn to the impact of
the relationships on the women.

The way in which the Slater and Gordon officers
spoke of these relationships in their opening is, as
I've already said, frankly obscene. In their statement,
the officers failed completely to acknowledge or
recognise the enormity of the abuse they perpetrated,
the profound feelings of love, of trust that
the officers engendered by their manipulation, by their
deceit, and the terrible, terrible damage that this has
wrought on the lives of fellow human beings as a result.

On top of this, they likened their spying activities
to those of an MI5 officer infiltrating a terrorist
group. These were social and environmental campaigners,
not terrorists. But even if they had been, the use of
intimate relationships as a tactic has never been prescribed by law, is inherently sexist, degrading and inhuman. And as such, it is treatment that cannot be justified in any circumstances.

Put simply, the impact has been devastating and life-altering. The vast majority have been diagnosed with very significant psychiatric injuries, including post-traumatic stress disorder. Before they even discovered the truth, many of the women were already deeply traumatised and scarred by the deceptions and the extreme emotional manipulation that was practiced on them.

To groom the women, the officers mirrored their interests and their values; they were unstintingly supportive and attentive. So unsurprisingly, many of the women fell deeply, deeply in love. They believed, as "Rosa" did, that they'd met their soulmate. And then, having drawn the women in so comprehensively, they then unemployed a markedly similar and deeply cruel exit strategy. It was a sudden withdrawal, and it was often accompanied by an apparent mental breakdown or emotional trauma. And in this way they would just disappear out of the lives of the women.

This left them not only dealing with their own sudden inexplicable and enormous loss, but also carrying
a huge burden of worry and fear about the welfare of
their lost partner. Having lost someone that they loved
because they were so seemingly perfect, that inevitably
bore on the women's able to forge later relationships.
And in some cases, the resulting difficulties were
compounded because the officers continued to make
sporadic contact.

Contemporary understanding of the traumatic effect
of an impact of betrayal has increasingly recognised
the significance of the shattering of the victims'
assumptions; in particular three very basic assumptions
we carry about the world: that the world is benevolent,
that the word is meaningful, and that the self is
worthy.

Here, in their own words, some of the women describe
the devastating consequences of that shattering of their
basic assumptions.

"My partner [this is 'Lisa'] turned out to be
leading a double life, and was not in fact the person I
believed him to be at all, but the opposite in many
ways, and he was placed into my life to deceive me by an
employer who would inevitably one day pull him out.
Finding this out has broken my heart, devastated my life
and shattered my trust in people. It has also impacted
on my confidence in myself as a person worthy of such a
relationship, and in my ability to judge character. The fact that this disregard for my mental health was sanctioned by the state is a fact that I'm still struggling to process ... As the most unbelievable thing in the world turned out to be true, I had no solid ground upon which to base my judgment of what was likely or unlikely."

She said also:

"I feel really destabilised and sometimes I feel nauseous ... I feel like everything's shifting, like I have motion sickness ..."

And this is "Naomi":

"... the word recoiled and I could not get my bearings. I spent many months afterwards trying to reconstruct all my memories to make sense of my experiences. In fact I could not and have not managed to do this or to reconcile my direct personal knowledge of 'Mark Stone' with everything I have learned about Mark Kennedy."

This is "Sara":

"The impact has evolved over time. The knowledge has annihilated the relationship I understood but it has taken time, it didn't happen immediately ... The pain has become deeper and more distressing as the seriousness of the violation and the extent of the
betrayal sinks in. I can only describe it as layers of an onion that keep peeling off the more that time passes and other things come back into my mind about the relationship, James, that this was sanctioned higher up in the police, the complete invasion of my privacy. Now I feel like my life is being invaded again and again and again."

This is "Kate":

"In terms of explaining my reaction to the news, that is hideously hard to do. It is like I have lost all integrity, and every feeling has an opposite that makes it null and void... I was furiously angry, and at the same time devastatingly sad, at the loss of a loved one, who was never a loved one, mourning the death of someone who never existed while cursing his very existence... and so-on, in circles, so that it is impossible to find closure for any one feeling as it flows into another equally debilitating one... it is always there, and it won't go away."

"Kate" again:

"This has left me with deep and traumatic gaps in my own biography."

And "Monica":

"When I received the news, it felt like a slow motion explosion. What I mean by that is the impact of
this news keeps hitting me in different ways over
a period of time, as though difference pieces of
the puzzle have fallen on the ground at different times
and in different places."

The institutional aspect is uniquely destabilising:
the fact that these were police officers with the power
of the state behind them. When the state has put an
imposter in the most intimate aspects of your life,
there really is no solid ground left on which to stand.
The reality is so outlandish that truly anything seems
possible.

Many of the women continue to struggle with feelings
of being watched, bugged, trapped, monitored. Many of
them describe incidents where they've been convinced
that something apparently innocuous is in fact
indicative of continued monitoring by the state.

For example, one of the women became convinced that
email messages that were superficially spam were in fact
coded messages from or about her former partner. Others
have been convinced that objects have been moved within
their home, indicating that somebody's been inside.

Nearly all of the women no longer feel able to
participate in political activity because of the fear of
being spied on. They've been stripped of the freedom to
manifest their political beliefs with others, a freedom
which for many was at the very core of their identities.
The ability to campaign for a better world was what gave them hope for the future, and it's now gone.

Relationships, both intimate and familial, have been damaged. Many of the women experience flashbulb memories, often around sex, making intimate relationships very difficult.

For those women who have children fathered by undercover officers, the additional torment is immeasurable. The children are of course the focus of their overwhelming love and their protective instincts, yet at the same time their circumstances are an indelible reminder of the cruel deception practiced on them.

Recognition must be given to the harm done to the children born into and trapped in these state-engineered relationships. There are children yet to receive any apology from the Metropolitan Police Service.

For several women, the consequence of the deceit and the betrayal has been that their childbearing years have passed without them being able to form a relationship that would have enabled them to start a family.

Many of the women have had significant and long-lasting difficulties with subsequent relationships,
because genuine partners have been compared with
the idealised relationship constructed by
the undercover officer; or, and sometimes and, because
their ability to trust has been completely shattered.

Some of the women who have been able to start
a family feel that their relationships with their
children have been demand by the trauma that they've
suffered and the desperate need they had to continue to
fight to uncover the truth, despite the glacial speed of
the Inquiry and its unpromising record to date.

For many of the women, the intrusion extended well
into their families. For those like "C" and "Bea", who
already had a child in their lives, there was
the obvious danger that the child would become attached
to the officer and then suffer trauma when
the relationship inevitably ended.

Mark Jenner was embraced by "Alison's" family. He
often spent Friday nights together with them celebrating
the Jewish sabbath. Mark Kennedy was heavily integrated
into both "Lisa" and Kate Wilson's families. And he
also spent special occasions with "Naomi's" family.

Jim Boyling even prevented "Rosa" from being by her
father's bedside when he died.

Bob Lambert went to visit Belinda's parents, her
sister and her grandmother in her care home. Her family
considered he was her life partner.

All the harm caused to wider family members, especially children, must be taken fully into account as wholly, wholly unjustified collateral damage.

Many of the women have had their careers blighted, either because of the psychiatric injuries they suffered or because they were in a profession which requires contact with police, for example social work, which they now can't face. Or because the choices they were encouraged to make by the undercover officer when they were still in the relationship. "Sara", for example, had a very high-powered career which she loved, but she relinquished it with James' encouragement.

"Alison" reflected the experience of almost all the women when describing her response in evidence to the Home Affairs Select Committee. This was evidence she gave in 2013:

"... I have, for the last 13 years, questioned my own judgment and it has impacted seriously on my ability to trust, and that has impacted on my current relationship and other subsequent relationships. It has also distorted my perceptions of love and my perceptions of sex, and it has had a massive impact on my political activity."

THE CHAIRMAN: Ms Kaufmann, would that be a convenient
moment at which to pause?

MS KAUFMANN: Yes, sir, I think it would.

THE CHAIRMAN: Then, can we resume, please, in a quarter of an hour's time. And you may then finish your opening statement on behalf of these core participants.

MS KAUFMANN: I'm grateful, sir.

MS PURSER: Thank you, everyone. We will now take a 15-minute break and we will resume at 11.50.

(11.36 am)

(A short break)

(11.50 am)

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

THE CHAIRMAN: Thank you.

Ms Kaufmann, would you like to continue, please.

MS KAUFMANN: Sir, I suspect you were able to hear in the first half of my submissions the terrible drilling that was going on. Unfortunately, it's gotten much worse, and it's now that sort of dentist's drill multiplied many times. So I do apologise if it leads you to feeling like gritting your teeth, which is exactly the same for me.

THE CHAIRMAN: I hadn't done so, so far. As it happens, there is a certain amount of drilling going on in my
background, but I pressed the mute button, as I am able
to do and you are not.

MS KAUFMANN: No, I'm afraid not. I will continue and
I hope it doesn't become too awful.

I'm now going to move on to talk about common traits
and evidence that there was -- this was all a tactic,
there was a system in play whereby women were used as
tools in the surveillance exercise.

As I've already said, the sheer number of officers
who were engaged in relationships whilst deployed must
alone call into question the repeated assertion of
the MPS that these were the unilateral actions of rogue
officers.

But the evidence that the women have put together
through talking to each other and sharing what has
happened to them, some of which I did touch upon, for
example in relation to "Rosa", fully, in our submission,
dermines the assertion that these were individual
rogue officers, and points to at the very least tacit
authorisation, but we believe actually a general
intelligence-gathering tool.

It's clear, for example, that many
undercover officers knew about the intimate
relationships their colleagues were engaged in. For
example, Mark Kennedy brought two friends, "Vinnie" and
"Ed", they were called -- we presume they were undercover officers. He brought them into the home he shared with Jane. And he then tried to set Jane up, and another housemate, with Vinnie. A perk of the job perhaps? Or another example of using sex to gain entry into the activist scene?

It also needs to be said that Vinnie and Ed knew about Mark's relationship with Kate.

I want to add this. The identity of Ed and Vinnie is a key matter for determination in the IPT proceedings.

Marco Jacobs was also aware of Kennedy's relationship with Kate. And both he and Lynn Watson were well aware of Kennedy's relationship with "Lisa". And Jason Bishop was aware of Jim Boyling's relationship with "Monica", with "Ruth" and with "Rosa".

Indeed, the relationships were rarely hidden. And given the level to which many of the public gatherings the couples attended were monitored by the SDS or the NPOIU, it stretches credulity to suggest that the intimate relationships weren't known about within, at least within the unit. Yet, if these really were the actions of rogue officers, it's simply inexplicable that nothing was done to stop or discourage them.

Even more compelling, though, is the common
methodology that the undercover officers deployed,
the methods by which the women were groomed, the methods
which dictated how the undercover officers conducted
the relationships, right through to the exit strategies,
which I've touched upon, that they used to bring
the relationships to an end. These demonstrate beyond
doubt the systematic and strategic nature of these
intimate relationships.

As mentioned, mirroring was a technique used by
undercover officers to groom women. So Andy Coles, for
example, told some of "Jessica's" friends that he'd been
adopted like her. Mark Kennedy liked country music when
he was pursuing Kate, then drum and bass when he was
pursuing "Lisa". He claimed to have grown up in
south-west London like Kate, when seeking a relationship
with her. And then when courting C, he told her that
when he was growing up, he had spent time at the same
local park in Norwich that she had gone to as a child.
James Straven told "Ellie" that he was born in Oman and
she had lived in Jordan. With Sara, he shared
her spiritual journey.

There's clear evidence that the officers would pass
information to each other in order to facilitate
mirroring. Some of the women have been able, in
retrospect, to identify whether one undercover officer
has fed personal information about her to a subsequent
undercover officer that has then been used to groom her
for a relationship.

To give an example in relation to "Rosa". She had
told Jason Bishop at a land rights occupation, some time
before she met Jim Boyling, how she'd drawn strength
from a particular view of the spirituality of trees when
going through a difficult time as a teenager. Later,
with Boyling, he mirrored to her the exact same thoughts
as if they were his own. "Rosa" is sure this was done to
manipulate her into thinking that there was a special
connection between them. And the only source of that
information could have been Jason Bishop.

Similarly, "C" believes that information obtained
from her by another undercover officer, Rod Richardson,
during a climbing trip in 2003 -- and it must be
remembered that she met him in 2009 -- was fed to Mark
Kennedy for use when he targeted her for a relationship
all that time later.

Likewise, Rod Richardson knew both Kate and "Lisa"
well, and knew of "Lisa's" passion for climbing. It
can't have been a coincidence that Mark Kennedy, who
succeeded Richardson in infiltrating the Nottingham
group, turned up with a cover story of being a rope
access technician and a keen recreational climber and
mountaineer who wanted to be near Stanage Edge.

A further common technique was emotional manipulation, to draw on the women's empathy and build trust. For example, Carlo Neri used stories of mental health problems and domestic abuse in his childhood with Donna.

Mark Kennedy claimed he'd been deeply damaged by his father having left home when he was a child, and that he'd been bullied at school due to a stutter and a lazy eye.

John Dines pretended that he'd lost both of his parents to build his relationship with Helen, and wrote to her describing the funeral. He also told her he'd been the victim of physical abuse from his mother, and pretended to have learned that the man he grew up believing to be his father was not in fact so.

Rob Harrison told "Maya" that he'd been emotionally neglected by his mother and ran away from home as a teenager before finishing school, after which he became estranged from her.

Mark Jenner told "Alison" that his father was killed by a drunk driver when he was eight years old. And what's notable about this story is that Andy Coles had previously had a relationship with "Jessica", whose brother was killed by a drunk driver when she was
11 years old. And according to Peter Francis,

undercover officers were trained to go into the field by
the cohort who had just been deployed. Mark Jenner was
enjoyed after Andy Coles. And so the obvious question
arises as to whether Andy Coles worked with Mark Jenner
to build his legend.

In grooming "Jessica", "Ellie" and Helen Steel, Andy
Coles, James Straven and John Dines all took advantage
of the women's young age; and all three men lied about
their own ages to reduce the appearance of an age gap.

Most of the women describe the man they had
a relationship with as being extremely attentive and
supportive, and quickly cultivating a deep connection
with them. For example, Belinda says of her
relationship with Bob Lambert:

"The relationship was passionate and romantic. He
often told me that he loved me and missed me when we
were apart. He gave me the impression he wanted to be
with me all the time and forever. By getting to know my
family and the way he confided in me about his feelings
and his psyche made me believe the relationship was
genuine. I saw him very frequently. We practically lived
together from the start and spent six months living
together as a couple in a shared flat with others."

Donna tells of the intensity of her relationship
with Carlo:

"He asked me to marry him on New Year's Eve 2002, three months after we met. We spent time discussing our wedding plans, including venue, music, guests and food. He promised to buy a ring which never materialised. He said very early in the relationship that he wanted to have a baby with me."

John Dines was equally demonstrative and romantic with Helen:

"John sent me lots of letters, Valentine cards, and talked with me about wanting to have lots of children with me because he was an only child. He sent me poetry that he'd written himself. He made plans with me to buy a plot of land, grow our own food and start a family. He said he pictured us growing old together, on the veranda, looking into the sunset."

Finally, as noted, there were also striking similarities in the exit strategies of many of the undercover officers. Straven told Sara that his friend had committed suicide following sexual abuse. John Dines, Mark Jenner, Jim Boyling, Carlo Neri and Mark Kennedy all faked mental breakdown.

For example, John Dines told Helen that his dad was not his real dad, that his mum had never loved him, that he threw all his mum's jewellery in the river, and that
his mother had physically abused him, including slashing him with a knife. He said the only thought -- the only person he thought had ever really cared for him had left him -- this was his ex-girlfriend -- and that this was why he never trusted that Helen would not abandon him, leaving him alone again in the world.

The similarities in the devices used inexorably points to the deliberate use of relationships as one means by which undercover officers were permitted or encouraged to do their job. It was a tactic.

I want now to say something about the MPS response since the scandal broke.

The MPS has been at pains to emphasise in its opening statement how keen it is to cooperate with the Inquiry. But as has been repeatedly demonstrated in the opening statements of other non-state core participants who have already addressed you, sir, their conduct in the course of this Inquiry gives the lie to that.

But this isn't anything new; it is more of the same. This is what the MPS has been doing from the outset, from the moment it was forced to engage with the civil claims brought by the eight women -- by eight of the women; and it is continuing to this day. Not just in relation to the Inquiry, but in relation to
Kate Wilson's IPT claim, which is still going on.

What follows is going to be a little dry, and I apologise for that. But I want to summarise the positions adopted by the MPS in the civil litigation, first in the High Court, latterly in the IPT claim, because I want to illustrate the extent of resistance on the part of the MPS to make disclosure, because it again highlights the importance of the Inquiry as a public inquiry, ensuring that the full facts are brought to light.

These obstructive tactics have also prolonged and compounded the harm already caused to the women by the deceptive relationships.

In particular, I ask that the Inquiry considers carefully the important points that Kate Wilson has been able to raise in the IPT proceedings, even on highly, highly selected redacted disclosure that she's been given to date. These are points which the MPS has made abundantly clear it is not going to volunteer, and which the Inquiry is unlikely to be able to identify of its own motion, because it just doesn't have the first-hand knowledge of the underlying events.

If the Inquiry is serious in its pursuit of the truth, it must, must enable the other side of the story to be heard. And this requires disclosure to
be made -- not merely in fragmented categories, but so as to enable those affected to identify patterns and themes, and to be in a position to raise relevant points on which to test the evidence. And of particular importance is the release to the women of their personal pink or registry files held by Special Branch, since only they will be able to spot the information in there which was used or collated in the course of the undercover officer's deceptive relationship.

So, turning to the history of the civil litigation. It began in October 2011 in relation to three women who brought a claim against Mark Kennedy. And because this was a claim that arose out of events taking place after 2000, they were able to claim both at common law and under the Human Rights Act.

The MPS initially agreed in correspondence that it was going to make disclosure in response to the claims, but that was suddenly withdrawn. And instead, in June of 2012, they applied to strike the claim out, on the grounds that it needed to be brought in the Investigatory Powers Tribunal because only that tribunal had jurisdiction to consider the Human Rights Act claims.

Now, that tribunal, the Investigatory Powers Tribunal, is one which historically had operated almost
entirely in secret, leaving those who made a complaint
to it utterly in the dark as to what material was being
considered, or the basis of any finding upholding or
dismissing their complaint. In other words, what
the MPS were trying to do was to have the whole case
dealt with in secret.

Now, some months after they responded to -- sorry,
some months after that, they then responded to a letter
of claim which was sent on behalf of "Rosa", Helen,
"Alison", Belinda and "Ruth", who had all had
relationships before 2000, and so they sought to bring
a claim based only on the common law. And for the first
time, they, the police, raised the notion or
the principle of NCND: neither confirm nor deny. And
they said they could neither confirm nor deny the basis
of the claims, and they refused to make any disclosure.
And they then repeated that stance when they later
issued their defence when the claim was finally issued.

Now, the attempts to have the claim determined in
the IPT failed, and the Court of Appeal ultimately held
that yes, the Human Rights Act claims had to be
determined in the IPT, but the common law claims were
going to continue in the High Court. And so next what
the MPS did was to seek to strike out both sets of
proceedings on the ground that it could not defend them
because it could neither confirm nor deny anything about them.

Strikingly, it took that stance in relation to the claim relating to Mark Kennedy, even though the MPS accepted it was pointless and unrealistic neither to confirm nor deny that Kennedy was a police officer who had been authorised to act undercover, not least because the MPS themselves had confirmed this already in the media. But they still tried to strike out the claim.

Shortly before the hearing of that application, they withdrew the application to strike out, but instead maintained their position of neither confirming nor denying anything about the claim. So they were effectively saying: the claim can continue, but we are not going to say anything about it.

So as a result, it was then left to the women to challenge their reliance upon a stance of neither confirming nor denying anything about the claim. And that was very strongly defended. It went to a hearing. And in July of 2014, the High Court judge ruled against the MPS and said: you cannot rely on NCND in respect of the entirety of your claim. As a result of which, they had to, in the claim brought by those women for events -- for relationships before 2000, they had to amend
their defence.

And in summary, they did admit that Jim Boyling and Bob Lambert were undercover officers and that they had had relationships with "Rosa", "Ruth" and Belinda Harvey. But they made the dishonest assertion that the relationships occurred because of mutual attraction and genuine personal feelings between the two officers and the women. They made the extraordinary denial that the officers had used deceit with the intention that "Rosa", "Ruth" and Belinda Harvey should enter into long-term sexual relationships. They made the extraordinary denial that the officers had abused their power or that they'd acted unlawfully. And they admitted that the defendants' guidance advised the use of fleeting sexual relationships if necessary, but they denied that supervising officers had expressly authorised or tacitly acquiesced in long-term intimate relationships in general, or in the claimant's relationships in particular. And then in relation to John Dines and Mark Jenner, they continued to maintain a complete NCND stance.

So, the next option for the MPS was to try to get out of the proceedings as quickly as they could. So they made what's called a "Part 36 offer"; they offered to pay damages. Which is the only thing that
effectively one can get through a civil claim. It wasn't accepted, so they next invited mediation to take place. And that took place in December of 2014 for the women whose claims related to events before 2000. And then there was a further mediation in June of 2015 in relation to those who had had relationships with Kennedy.

It wasn't until May of 2015, so shortly before that Kennedy mediation, that they served a defence in relation to the Kennedy claim. And in that defence, they admitted that Kennedy was an undercover officer. But they made no admissions whatsoever in relation to the women's case that he'd entered into intimate relationships with them. And in light of that non-admission, they said nothing whatever, obviously, about whether or not the supervisors knew or authorised him to have those relationships.

Finally, in November of 2015, all of the claims bar those of Kate Wilson were settled and the MPS issued a public apology.

Sir, that apology is reproduced in full in our written submissions. I know that it's also in the MPS's written submissions in full, and so I'm not going to take you to it.

But, in summary, its terms accepted that
the behaviour of a number of police officers working for the SDS and the NPOIU had been totally unacceptable, and described the relationships with the women as "abusive, deceitful, manipulative and wrong". And they were also accepted to be a violation of the women's human rights and an abuse of power.

So contrast very strongly with the way in which they had defended the claim earlier.

In summary, they said that whilst these relationships should not have happened, they were not authorised, they would never be authorised in advance, nor indeed used as a tactic of deployment. And if an officer did have a sexual relationship, he was required to be report it. And the fact that the relationships had occurred was attributed to failures of supervision and management and lack of appropriate insight.

I note in passing that the officers represented by Slater and Gordon deprecate the apology. And they do so on the clear basis that these relationships were known about and were authorised in some way. And they also, as I've noted, continue to argue that such relationships are fully justified in the context of policing environmental and justice movements.

I also note that the Designated Lawyer's Officers appeared, too, to suggest that casual sexual encounters
are justifiable; again contradicting the stated position of the Metropolitan Police Service in its apology.

So coming back to the history of the proceedings. As noted, the settlement announced in November 2015 didn't include Kate Wilson's claim, and she pressed on with her claim because she wanted to continue with her attempt to get disclosure.

So all that was then left to the MPS to do was what it did next, which was to withdraw its defence to the claim. Because the next step for the MPS in the proceedings, the next step which it could not avoid if they were to continue, was disclosure. So having effectively -- not effectively, having completely withdrawn its defence to the claim, that claim did then settle, because there was nothing that could continue. But it didn't settle on any terms that prevented Kate from continuing to pursue her Human Rights Act claims in the IPT. And that's what she next proceeded to do.

Now, in the IPT, the MPS has continued to seek to avoid disclosure at all costs, exactly as it did in the High Court. First of all, it sought to strike the claim out completely, on the basis that it was out of time. And then it made a number of admissions, hoping that this will be enough to prevent -- either to get the claim stopped, or to avoid the need for
disclosure. But when that failed, it then withdrew some
of the admissions. Although, the admission that
the sexual relationship amounted to inhuman and
degrading treatment in breach of Article 3 is one that
remains.

In its defence, the MPS admitted, among other
things, that Kennedy's cover officer had been aware that
Kennedy was conducting a close relationship with Kate
and should have been aware that it was a sexual
relationship.

It then served an amended defence in which further
admissions were made, including that additional
officers, that is Kennedy's cover officers, in plural,
and the line manager were aware of his close
relationship with Kate, and that they ought to have
known it was a sexual relationship, and that they
acquiesced in that relationship.

In the course of these proceedings, 10,000 pages of
close material were provided not to Kate but to
the tribunal, and Kate was then provided with a tiny
sample of around 200 pages, in order that a protocol
could be agreed about how to redact the documents.

Now, as I noted, when the attempts to avoid
disclosure failed, the MPS then served a further amended
defence which withdrew some of the admissions it had
made. Included in that withdrawal was that anyone other
than Kennedy's principal cover officer knew or ought to
have known about the relationship and that there were
systematic failings. So that whole acquiescence
admission went.

On the same day, the MPS served a witness statement
from Sir Stephen House, who is a deputy commissioner of
the MPS. Now, he had no first-hand knowledge at all
about the material but his witness statement was aimed
at providing an account of his interpretation drawn from
the 10,000 documents that had been disclosed.

And Kate objected to this. And she made a further
witness statement critiquing his analysis, as a result
of which the IPT directed that certain categories of
document should be reviewed by counsel to the tribunal
and later directed Sir Stephen House to produce
a further witness statement, which counsel to
the tribunal was then to -- from which counsel to
the tribunal was then to determine which of a schedule
of documents were to be disclosed to Kate.

Kate has now had about 20%, some 2,000 of
the underlying evidence, very heavily redacted, as
I mentioned. But the implications are grave.

Firstly, it has become clear that the documents
present very significant difficulties for any legal team
or witness who is trying to interpret the material if they weren't involved in the events at the time.

So, for example, lawyers representing the Metropolitan Police and the National Police Chiefs' Council wrote on 9 October in relation to ciphering and redacting:

"It is not possible merely by looking at the schedule materials and how people have been variously referred to and/or described, to guarantee that incorrect ciphering does not occur ... anyone now looking at the materials without having additional information available to them [will not] easily and accurately be able to apply an individual cipher for each separate person."

Ms Wilson, on the other hand, has been able to identify examples of unauthorised overseas deployments, significant misrepresentation of groups and individuals and extremely inaccurate reporting of events, as well as major failures in the authorisation process and in oversight and management. In addition, evidence that senior officers must have been aware of the relationship. Sexist attitudes and political prejudices are evident throughout the material. And as Ms Wilson stated in her submissions to the tribunal, the defendant appears to have adopted a "thought crime"
approach to breaching people's rights, repeatedly stating that anyone they considered to be a "like-minded individual" was a legitimate target, and that as a consequence, the risk of collateral intrusion was low.

One authorisation goes so far as to say:

"The secretive nature of the subject group is such that any person present during the deployment is within the membership of that group."

This sentence cleverly makes anyone who comes into contact with Mark Kennedy by definition a target of the operation, presumably removing any possible risk of collateral intrusion.

Finally, and as a direct result of that disclosure process, the police are now admitting that not only Mark Kennedy and his principal cover officer, but also Jim Boyling, Jason Bishop, Rod Richardson, Lynn Watson and Marco Jacobs all violated Kate's Article 8 right to privacy. The police had spent three years robustly resisting any investigation of the facts of those Article 8 breaches on the grounds that they were in significant, before it finally made that admission. And David Perry, who was counsel to the MPS and the NPCC in the IPT, described the facts underlying the admission as "ugly", however, the specific basis for the sudden change of position hasn't yet been explained to Kate.
But it should be noted that the contact Ms Wilson had with these other officers was not intimate or sexual. So, far from being insignificant therefore, this admission has implications for hundreds of other individuals who were subject to similar disproportionate interference with their Article 8 rights.

The original position adopted by the MPS prior to the legal principles ruling -- and I'm turning now to its approach in the Inquiry -- was that it should be permitted to maintain its stance of NCND in all public aspects of the Inquiry, and that all police evidence should be heard in closed proceedings.

Following Sir Christopher Pitchford's rejection of that approach, the start of the substantive hearings has now been delayed for a further four and a half years, dealing with application after application for anonymity and redactions to documents. The refusal of the MPS to release all the cover names of officers means that those officers' assertions relating to their conduct will go unchallenged by those on whom they were spying, and that some women may never find out that they, too, were deceived into relationships by state agents, or indeed that they've borne children from those operations, and nor will such children know.

Finally, as a result of the refusal of the vast
majority of officers and former officers to give
evidence in their real names, very often on grounds of
privacy, thereby precluding the proceedings from being
broadcast, only a tiny number of non-state
core participants and members of the public will be able
to see or hear the evidence being given.

Contrary to the way the MPS has presented itself in
opening, this entire history does not suggest an
organisation that is ready to be open and frank about
its failings. Rather, it demonstrates an organisation
that remains desperate not to account, let alone to
account publicly, for the terrible damage it has
permitted its officers to do to the women.

It's fundamentally wrong that an organisation which
has admitted significant human rights breaches over an
extended period of time is allowed to have so much
influence and control over both the extent of
the information released to those who were subjected to
the abuses and the speed of the public inquiry into
those abuses.

Finally, I'm going to address, sir, the women's
hopes and concerns for this Inquiry.

Their need for answers is no less burning now than
it was when they first suspected or learned the truth.
They need answers about what was done to them and why;
who authorised, condoned or acquiesced in it; who knew
about it; what information was shared and recorded about
them; and what will be done to stop it happening to
others.

Their need to understand is a deeply human one; one
that we can all relate to. Until they have answers to
their questions, there cannot be any resolution for
them. The impact of the abuse will continue. They need
to know whether they were deliberately targeted by
the state. And if so, why. They need to know whether
personal information about their most intimate lives is
still on a file somewhere.

The Bob Lambert report. This was a report in which
Mike Chitty was referenced as having a treasured
collection, relating to "Lizzie", of love letters and
photographs that were kept in a locked box. Or
the disclosure made to Kate in the IPT. These suggest
that there probably is a great deal of such information.
They need definitive answers that they can have
confidence in as to whether anyone else in their lives
was an undercover police officer. And they need to know
it won't happen again.

This need has been recognised repeatedly by many of
the psychiatrists and psychologists who have assessed
the women over the years since the scandal broke.
Dr Brock Chisholm, a chartered clinical psychologist, wrote as far back in February 2013, in respect of the recommended treatment and prognosis for the significant psychiatric injuries caused to "Alison" by her relationship with Mark Jenner:

"The most helpful thing for ['Alison'] would be to learn the truth so that she can make sense of what was true and what was not as well as make a judgment about continuing threat or likelihood of being monitored. It would also give meaning and allow her to resolve the loss of Mark."

Dr Chisholm talks about the difficulty in engaging in therapy without knowing the extent to which "Alison's" fears about what may be true are actually the case:

"It is debatable about what was true and what was not true. The term delusion is a value statement about the beliefs that a person holds being outside what most people believe is true. However, it appears likely that some of what ['Alison'] believed was correct, even though most others thought that she was deluded."

Dr Georgina Smith, a specialist clinical research psychologist, wrote in respect of Kate in July 2015:

"The lack of disclosure has left [Kate] with numerous unanswered questions, many related to her own
identity and self-esteem: whether or not she was
targeted; whether or not her relationship with Mark was
closely monitored; to what extent their relationship and
the things they did together were determined by the
Metropolitan Police. In the absence of these answers,
[Kate] is left ruminating and imagining possible
scenarios, resulting in an inability to move on from
this and a tendency (due to her [psychiatric injury]) to
imagine the worst case scenarios, which can in turn
exacerbate her psychological difficulties."

The women continue to participate in the Inquiry,
but the hope they had at the outset that here they will
finally be given the answers they need has diminished to
the point of vanishing. They continue because they
remain impelled to find the truth and to prevent these
abuses happening to any other women. And this latter
imperative is all the greater given that there appears
to be no criminality arising from these deceptions in
light of the Divisional Court's judgment last year --
I think it was earlier this year -- in the case of
"Monica" v DPP. And that was a judicial review brought
against the DPP's decision not to prosecute Jim Boyling
for offences of rape and abuse in public office.

I note at this point the self pity voiced on behalf
of Jim Boyling by Mr Whittam in his opening statement
that a complaint of rape was made against him. Now, whether or not the law labels as "rape" intercourse which my clients did not consent to because it was based on a fundamental deception as to who the person was that they were having sex with, they experienced the profound violation of their bodies that took place as rape. So Jim Boyling and all the other officers should stop feeling this disgusting self pity. Instead, they should feel exceedingly lucky that the criminal law appears to view rape through such a profoundly male-centred gaze.

Another reason why this Inquiry remains so important as a vehicle to get to the truth is that there's no explicit guidance in RIPA protocols and a wholesale failure to address the issue of sexual relationships in the Covert Human Intelligence Sources (Criminal Conduct) Bill. This Bill is currently making its way through Parliament. Indeed, one of the tragedies of the delay of this Inquiry is the resulting inability to feed into that process and the debates.

The women have waited for over five years and, barring the heavily redacted Tradecraft Manual, they've received no significant disclosure. They've repeatedly requested it and particular of their personal files, in order they can begin the process of grappling with what is or isn't in them. But they've been told that this is
an "unhelpful distraction" from the work of the Inquiry.
A response that the women find deeply insulting and insensitive.

The extent and scope of the restriction orders granted to officers means they are never likely to know the full extent of the intrusion into their lives, how many other officers were involved in their lives, or knew of the relationships.

They are deeply concerned about the lack of access to the Inquiry hearings, both for themselves, for the public as well, and that the Inquiry's approach to the restriction of cover names and its refusal to publish photographs of undercover officers and the names of all the groups that were spied upon mean that many of those who have relevant evidence to give will simply not know to come forward.

It's telling that neither "Lizzie" nor "Sara" would have known to come forward if the Inquiry hadn't contacted them. Other women who had relationships have been identified because people who know them or know of them are already core participants in the Inquiry. It's very likely that there are others, especially where cover names have been restricted, and they will never know to come forward.

And this matters greatly, because, as I've said,
the Inquiry's ability to assess the extent of the abuses
that occurred is limited if those who will be able to
bring those abuses to light can't do so. It's
profoundly wrong to rely on the assertion of individual
officers that they didn't engage in relationships,
because we know that they have lied. I gave the example
of Straven. And as the women have repeatedly
emphasised, being in a long-term or apparently happy
marriage is no guarantee whatsoever that officers didn't
betray their wives and engage in deceptive relationships
whilst they were undercover.

At the heart of what happened to these women is, as
I've said, institutional sexism. Mr Barr himself
recognised that one of the questions the Inquiry must
engage with and must answer is whether targeting was
influenced by sexism.

It's a complex issue. It requires an exploration
not just of the mindset of the men involved in
the undercover units but also of the institutional
culture that developed and operated and how the two
interrelated. But that explanation doesn't take place
in a vacuum. The assessment of evidence, especially
the testimony of witnesses, that depends upon evaluation
and judgment, both of which are profoundly influenced by
a tapestry of experience and belief which are not
objective. And that subjectivity affects not only
the assessment of whether what the witness describes
discloses sexism, but also of the credibility of
the witness themselves.

The women fully endorse the points made in
the opening statement on behalf of John
Burke-Monerville, Patricia Armani Da Silva and Marc
Wadsworth in respect of race. And I know, sir, you have
that written statement, and I'm going to speak orally to
it later this afternoon. And in the women's submission,
those comments and observations about race apply equally
in respect of sex.

The women have already expressed their deep concern
that the Inquiry doesn't have the expertise and breadth
of experience to tackle this issue in a truly
penetrating way. And that concern comes from the very
narrow life experiences of you, sir: a life which means
that you have never had to confront these issues, either
in your life or your work, as corroborated by your
having to reflect on your expressed assumptions about
a lengthy marriage making it unlikely that an
undercover officer would have engaged in sexual
relationships whilst undercover.

Your background is typical of the higher judiciary.

Like many High Court, Court of Appeal, Supreme Court
judges, you've been a member of the Garrick Club, which expressly excludes women from membership. And no doubt you don't see that as a problem. But as Baroness Hale stated in 2015 of many of her colleagues in the Supreme Court who also belonged to the Garrick Club and didn't see what the fuss was about, this is "quite shocking". And she went on to observe that judges "should be committed to the principle of equality for all".

The women's concerns also come from a lack of sensitivity in the Inquiry's failure to recognise the urgency of the need for disclosure in the case of the women; from the manner in which "Lizzie" and "Sara" were notified that men they had had intimate relationships with were undercover officers; and the manner in which it left it to the women who had had relationships with Carlo Neri, Anthony Lewis and James Straven, to decide whether or not to reveal the real names, something which was the responsibility of the Inquiry to decide upon; and in the case of Carlo Neri, from preventing Donna from this morning, in this opening statement, naming him, and forcing me to make an undertaking in order that this opening statement might be given live.

And from the stark contrast between the time taken
by the Inquiry and the care shown for the privacy and
concerns of former undercover officers as compared with
the lack of time taken and the lack of care shown for
the same interests and concerns of the non-state
core participants.

The women would again urge you to seek assistance
from those with experience and expertise on issues of
sex discrimination; not only at the lessons learned
stage but crucially at the fact finding stage. You have
mistakenly assumed that fact finding is a wholly
objective exercise.

And even if you genuinely believe that you can reach
an objective judgment on the facts, you should, sir, be
open to the possibility that your experiences in life
and the beliefs that they've given rise to will shape
your judgment, as they will for any person, and that
those experiences don't give you the monopoly on
the truth.

You should be open to the possibility that others
with different life experiences might be able to see
things that you simply cannot; and that adding these
different perspectives to the mix might help the Inquiry
to get to the truth. Openness to the possibility is all
the more urgent in this Inquiry precisely because of
the one-sided, untestable accounts that will inevitably
be received from the police because of the restriction orders granted to the officers, because of the fact they will be giving evidence in secret.

Were you to accept this possibility and proceed accordingly, the Inquiry would unquestionably regain a measure of credibility and the process could begin of restoring the women's trust in it.

As stated, they remain involved because they are impelled to know the truth and stop this happening again to other women. But the cost of their doing so is incalculable, and it is important that the Inquiry fully understands this. Some women have already suffered the deep distress of repeatedly living -- reliving the deception to which they were subjected. They were forced to discuss matters deeply private and personal with lawyers and psychiatrists in the civil proceedings. And all the women with this Inquiry face this prospect, either again or for the first time. And none of them want to do this. They would much rather not. It has already been a deeply painful and exposing process. Just putting together this opening statement has been so painful to them, and it's going to get much worse. And they have already experienced so much stress because of the way the process has unfolded.

For those women who haven't been able to pursue
a remedy in the civil courts, this Inquiry is the only available avenue of redress for them. For those women who were deceived by Mark Kennedy, they've had to go through the stress of preparing this opening statement in the lead-up to the 10-year anniversary of their discovery about the truth that occurred on 21 October. This just underscores how long it has taken to get to this point.

All the women need to be shown by this Inquiry that it recognises and that it appreciates what they are going through in order to help this Inquiry get to the truth. They need it to press ahead with disclosure and not keeping them waiting any longer. And to this end, they seek full disclosure of all records on file about them, and of any and all policies or references to intimate sexual relationships by these units.

At the outcome of this Inquiry and to make sure this never happens again, they seek a recommendation: firstly, that the law is changed to prohibit undercover officers from engaging in intimate sexual relationships while in their undercover persona; that the police be required to suspend an officer and inform anyone deceived into a relationship with him as soon as they become aware of the relationship; and an end to the infiltration of campaign groups.
Sir, those are my opening submissions on behalf of my clients.

THE CHAIRMAN: Ms Kaufmann, thank you for the task that you've undertaken this morning. We will be seeing you again this afternoon.

May I take this opportunity to thank you and, through you, those whom you represent in this category for the detailed account that they have provided through your oral and written opening statements of their experiences and of their belief and the reasons for their belief that these were not the actions of individuals but the actions of a group of people with or without the knowledge of their superiors. The information that you've provided, the detail of it, is enormously helpful to me in my task of getting to the truth about what occurred.

Thank you.

We will, because I have another matter to deal with at 1 o'clock, resume, I hope, at 2 o'clock, but it may be that the original time of 1.15 will be stuck to. Perhaps others know better than me.

MS PURSER: Thank you, everyone. We will now take a break until 1 pm.

(12.41 pm)

(A short break)
(1.00 pm)

(Hearing In Private)

(The short adjournment)

(2.15 pm)

MS PURSER: Good afternoon, everyone, and welcome to
the sixth day of opening statements of
the Undercover Policing Inquiry.

As a reminder to those of you in the virtual hearing
room, please turn off both your camera and microphone
until you are invited to speak by the Chairman. I will
now hand over to our Chairman, Sir John Mitting, to
continue proceedings.

Chairman.

THE CHAIRMAN: Thank you.

Ms Williams, it is now your turn to make an oral
opening statement on behalf of a group of
core participants. As you know, I conducted a hearing
earlier today in which I indicated that I would request
an undertaking from those making open oral statements
not to mention the real name of HN104, Carlo Neri.

Are you willing to give that undertaking?

MS WILLIAMS: I am, sir.

THE CHAIRMAN: Thank you. Then please proceed.

Opening Statement on behalf of Category H Core Participants

by MS WILLIAMS
MS WILLIAMS: Thank you very much.

Sir, in common with Ms Kaufmann and yourself this morning, I also have drilling going on outside my premises, but I hope it won't prove too disruptive.

Sir, the people I represent have had their lives turned upside down as a result of undercover police officers engaging in sexual and other intimate relationships in thoroughly -- on a thoroughly deceptive and completely illegitimate basis. Officers created an illusion of genuine intimacy via the projection of fake identities, tricking, betraying and abandoning those who they used. There never was any operational justification for this grossly irresponsible and manipulative conduct and the damage which it has caused is profound.

Sir, along with Fiona Murphy, I am instructed by Jules Carey of Bindmans solicitors, and this opening statement is made on behalf of the following.

Firstly, Lindsay, who was deceived into entering into a long-term sexual relationship with HN104, the undercover police officer who uses the cover name "Carlo Neri", and who, you'll have heard this morning, was deployed by the Special Demonstration Squad, the SDS, between 2002 and 2006, and during that period he infiltrated a number of groups including
the Socialist Party.

Secondly, this statement is made on behalf of Sarah Hampton, who was deceived into entering into a long-term sexual relationship with an undercover officer who used the cover name "Mark Stone". This was in 2005/2006. And as you've heard this morning, his real name was "Mark Kennedy". He was deployed by the National Public Order Intelligence Unit, the NPOIU, and he infiltrated various environmental activists groups.

Thirdly, the statement is made on behalf of two women who are known in this Inquiry as "AJA" and "ARB", and also Tom Fowler. All of who were members of the Cardiff Anarchist Network, which I will refer to in this statement as "CAN". Between 2005 and 2009, it was infiltrated by EN1, the undercover officer who used the cover name "Marco Jacobs", or sometimes "Mark Jacobs". "AJA" and "ARB" were deceived into having sexual relationships with him.

Tom Fowler was duped into believing that he was his best friend.

This statement is also made on behalf of TBS, whose mother "Jacqui" had a long-term sexual relationship with Bob Lambert, another SDS officer who you've already heard about. He was posing at the time as an animal rights activist under the cover name "Bob Robinson".
Born in September 1985, TBS is Bob Lambert's son, who he abandoned when he disappeared in late 1988.

Sir, by using their false pretences, their false personas as committed, like-minded activists, the undercover officers misled the genuine and the unsuspecting into establishing intimacies with them that they would never have agreed to or countenanced had the officers' true identity been known. Their conduct was grossly offensive and wholly unwarranted.

As the second Operation Herne report of March 2014 concluded — and I quote:

"There are and never have been any circumstances where it would be appropriate for such covertly deployed officers to engage in intimate sexual relationships with those they are employed to infiltrate and target. Such an activity can only be seen as an abject failure of the deployment, a gross abuse of their role and position as a police officer and an individual and organisational failing."

In their February 2013 "Undercover Policing: Interim Report", the Home Affairs Select Committee concluded — and I quote:

"... there are some lines that police officers must not cross ... In particular it is unacceptable that a child should be brought into the world as a result of
such a relationship and this must never be allowed to happen again. We recommend that future guidance on undercover operations should make this clear beyond doubt."

Sir, you heard this morning about the terms of the apology eventually given to Ms Kaufmann's clients by the Metropolitan Police Service in 2015. A formal apology in the same terms was provided to my client Sarah in January 2017. And on 1 April of this year, the Metropolitan Police Service extended an unreserved apology to TBS for the fundamental deceit in his father's relationship with his mother, leading in turn to the circumstances in which his father abandoned him. These apologies were rightly expressed in stark terms.

In opening statements made last week, sir, Mr Skelton on behalf of the Metropolitan Police Commissioner acknowledged that the sexual relationships were wrong, that they should not have happened, and that they caused immense hurt and suffering.

In his opening address on behalf of the Designated Lawyer Officers, Mr Sanders also rightly accepted that these relationships were wrong.

By contrast, Mr Whittam, speaking for the 12 former and serving officers represented by Slater and Gordon, which includes in that cohort two officers who deceived
and mistreated my clients, he gave no such acknowledgement. Instead he tried to downplay, deny and dismiss the wrongdoing. That officers should still take this grossly insensitive stance after all they have put their victims through is nothing short of disgraceful and perhaps says rather more about them than they appear to realise.

Given the absence of lawful justification or authorisation for this behaviour and the lasting adverse impact it has had, this Inquiry will be compelled, we say, to draw the most appalling conclusions in respect of the actions of multiple undercover officers, their managers and supervisors and those responsible for governance and oversight. Sir, this Inquiry should not shirk from that responsibility.

As well as distilling the common themes that emerge from the personal experiences of our clients, I will identify a series of questions that preoccupy them, including why this abhorrent practice was permitted to develop and continue, at what level of seniority the practice was authorised and tolerated, and the extent to which the entirely foreseeable damage they have suffered was actually foreseen at the time, or were they simply disregarded as expendable collateral damage.
Those who have been the victims of this fundamental deceit are compelled to participate in this Inquiry. They're driven by a strong sense of responsibility to those whose lives have been intruded upon without legitimate justification, and to the new generation of activists protesting around climate change and racial injustice, to ensure they are not subject to similar illegitimate intrusion.

They consider, with ample justification, sir, that their treatment involves one of the most serious breaches of human rights in this jurisdiction in our times.

But it should not be overlooked that it is difficult and it is painful for them to participate in this process. It involves reliving such personal, such distressing, such unsettling experiences. And I can only echo Ms Kaufmann's observations this morning, which she very powerfully expressed in explaining the courage that it has taken, the immense bravery and the huge contribution that our clients have made to the exposure of this appalling practice.

This Inquiry, sir, must respect their commitment, and must hold police officers to account for their improper discharge of public functions. It must not allow its task to be overwhelmed by ingrained practices
within undercover policing of protecting their own from legitimate exposure and attendant accountability.

This statement is also addressed to the Metropolitan Police Service, the Home Office, the National Crime Agency and the College of Policing. Consistent with the duty of candour that we explain in our written opening submissions, these institutions are invited to take immediate steps to answer the questions that we go on to identify.

Sir, I then turn to briefly describe the events that occurred in relation to our particular clients.

Firstly "Lindsey". In April or May 2001, "Lindsey" met the undercover officer who she knew under his pseudonym "Carlo Neri", through mutual friends in the Socialist Party. Carlo had made it known to "Lindsey's" friends that he was unhappily single. He presented with the fake persona of a committed activist. "Lindsey" consented to the sexual relationship as a direct result of that fraud, and they began to see each other regularly.

The first few months of their relationship were for "Lindsey" a fun and sociable time. Carlo's cover story included working as a locksmith in North London, and having a group of friends from work with who he played football. Carlo told "Lindsey" he had a son from
a short previous relationship who he had not seen since
he was a baby, and this confidence appeared to tighten
their bond.

By the autumn of 2001, the relationship became more
serious. This was initiated by Carlo, who was the first
to use the world "love", and who made her believe that
he was committed to her in the long term. Accordingly,
"Lindsey" let her guard down and threw herself into
the relationship, introducing him to her family and her
politically active friends in Liverpool.

In the early months of 2002, Carlo began to withdraw
eemotionally. There was no explanation. He disappeared
for days and he switched off his phone. And this was
a marked change when he'd previously been so attentive.
He disappeared for a second time, and "Lindsey's"
feelings of self-doubt surfaced. He told her his mother
was ill in Italy and he couldn't cope emotionally. As
she felt pushed away by him, she ended the relationship
in April 2002.

In September 2015, an activist friend mentioned to
"Lindsey" there were doubts over Carlo's authenticity.
At first she couldn't believe these concerns were
justified. However, in October 2015, she learnt there
was evidence that Carlo was in fact an
undercover officer.
"Lindsey" went into a state of shock. She suffered sleeplessness. She played over her recollections of the relationship. She suffered feelings of anger and vulnerability. She questioned her own judgment and suffered intense embarrassment. She dwelt on other past friendships and associations, questioning the motives and the genuineness of many people. Ultimately, "Lindsey" feels deceived and made a fool of.

The months of her life when she devoted her physical and emotional energy to a person who didn't actually exist feel utterly wasted. "Lindsey" believes that political policing or surveillance of activism by MI5 or any government agency is under no circumstances justifiable or acceptable. She has brought a claim against the Metropolitan Police Service, which has yet to be resolved.

I turn next to Sarah Hampton.

Sarah is an activist who has been active in environmental politics for many years. She was already vulnerable in the areas of trust and relationships when she met the man that she knew as "Mark Stone". She went on to have an intimate relationship with him in 2005 for about a year. Mark Kennedy, for that was his real identity, presented as a deeply committed and moral activist, who shared her political convictions. Sarah
would not have consented to the sexual element of their relationship but for those misrepresentations.

She was persuaded by Kennedy to enter into a poly-amorous relationship, meaning his primary relationship was with another activist, and Sarah was only able to spend time with him when his main partner permitted it. This was Sarah's first and only relationship of that kind, and she was manipulated into it by Kennedy, who exploited her vulnerabilities.

At the time, the main she knew as "Mark Stone" seemed attentive and romantic. He pampered Sarah, he showered her with love, he gave her gifts, he took her out to dinner, and he told her he loved her.

Occasionally, she stayed at his home overnight, and he visited her in Spain on two occasions after she moved there, and they communicated by telephone and email when they were not together.

Sarah believed he had fallen in love with her and that it was reciprocated, and Mark encouraged her to think this, notwithstanding his other relationship.

He presented to her as open and vulnerable. He would cry and tell Sarah he was scared. On one occasion, at the G8 demonstrations in Edinburgh, Sarah was detained for longer than others, isolated, questioned and photographed by police. Afterwards, she
was tearful, and she was consoled by Kennedy, who stayed in her tent that night. Now, she is preoccupied by this image, and the fact that she was being consoled by a police officer, who may in fact well have been responsible for that detention.

Sarah ended the relationship when she learned that Kennedy had been spreading malicious rumours about her.

It was in 2010 that Sarah learned that Kennedy was in fact an undercover police officer. This caused her enormous stress. Her mind scanned their relationship obsessively. She suffered insomnia, flashbacks, severe episodes of depression. She suffered strong feelings of revulsion, arising from Kennedy's violation of her body and the duplicity of his superiors. She suffered intense paranoia and a feeling that she was still being spied on.

Her identity, one built around her role as an activist, was destabilised, and she felt guilty that she had introduced Kennedy to people who would never have wanted to meet him if they'd known he was a police officer. She feels all her relationships have been marked. She now assumes that her partners are lying, and she can no longer place trust in her friends.

Sarah sued the Commissioner of the Metropolitan Police, who settled her claim, as I've mentioned, in
2017, upon payment of a substantial sum of money and an apology. And the apology included the following:

"A sexual relationship by an undercover officer cannot be authorised and is not a legitimate police tactic."

Further, that what had occurred was:

"... a violation of Sarah's human rights, an abuse of police power and a significant cause of trauma."

The Metropolitan Police recognised:

"... that this should never happen again, and necessary steps must be taken to ensure that it does not."

Next I come to the members of CAN, the Cardiff Anarchist Network.

EN1, under the cover name "Marco Jacobs", met Tom Fowler in about 2004 and began attending CAN meetings in 2005. He moved to the Cardiff area in 2006. EN1 told "AJA", "ARB" and Tom that he was a truck driver from Northampton who had previously lived in Brighton. He told them he separated from his previous partner because she had physically abused him.

He purported to share their political beliefs. He integrated himself into the group, volunteering to undertake administrative tasks. He made derisory and offensive marks about other members of the group, and
sought to cause conflict and disruption amongst them.

He left the Cardiff area in August 2009, saying he
was taking up a job in Corfu as a gardener. In
March 2010, The Guardian published an article about
another undercover officer, and our clients noticed
there were striking similarities between the ways in
which that officer had extricated himself from his
undercover deployment and the manner in which EN1 had
left Cardiff.

After further details of undercover policing had
emerged, in January 2001 they spoke to a journalist from
The Guardian, who confirmed that Marco Jacobs was an
undercover police officer.

Following numerous attempts to delay the progress of
the litigation and block the disclosure of any relevant
documentation, the Commissioner of the Metropolitan
Police agreed to settle the civil claim brought by these
clients, including paying substantial sums of
compensation.

I turn, then, to their specific details, in outline
at least.

"AJA" met EN1 in about 2005, and what she believed
to be a close friendship developed quickly. She trusted
EN1, and she confided in him, telling him about a number
of sensitive personal topics that normally she would not
discuss with anyone. She loved Marco Jacobs, and he
became the person she trusted most in the whole world.
And he would have seen how heavily she had come to rely
on him.

In late May 2007, EN1 told her he wanted to take
their relationship to the next level. And having spent
time together as a couple at the G8 summit in Germany in
June 2007, they began a sexual relationship shortly
afterwards.

"AJA" would never have consented to this had she
understood -- had she not understood and believed they
shared a political perspective. Over the next few
weeks, they spent a lot of time together as a couple.
Suddenly, EN1 telephoned "AJA" and told her he could not
continue the relationship because of their age
difference. "AJA" was 26 years old, EN1 told her he was
41 years of age. She was hurt and upset.

Some weeks later, EN1 contacted her and suggested
they got back together. Their relationship began again
for a short period before "AJA" ended it. But they
remained close as he made her feel safe, secure and
loved.

But then, upon learning that he was in fact an
undercover officer, "AJA" felt extremely betrayed and
violated, both in terms of the sexual and the emotional
relationship she believed had existed between them. She was physically sick and she felt angry initially, then distressed; and she remains plagued by intrusive recollections, and a loss of self-worth at having been taken in by him. She lost confidence in her own attractiveness, and the revolting thoughts of what EN1 did to her are present every day.

She felt responsible for having unwittingly helped EN1 betray other people around her. She abandoned her activism, which had previously been a central part of her life. She had been involved in challenging racism, Islamaphobia, helpful refugees, campaigning against war and environmental destruction. And this was a devastating loss for her. And she felt she'd let people down and that she'd let causes down.

She lost trust in the police, and she was terrified by officialdom of every type, which was debilitating for her life and her work.

I come on then to "ARB".

She first met EN1 at a CAN meeting in 2005 when she was 26 years of age. She got the impression he was attracted to her and she found him to be warm, funny and attentive. They became close friends and he would often meet her for a drink after her work. EN1 also met "ARB's" parents on a number of occasions. He had a pint
with "ARB's" father when he was visiting Cardiff for cancer treatment. And on another occasion he comforted "ARB's" mother when she confided in him regarding the extent of her husband's illness.

"Marco Jacobs", as she knew him, became a central person in "ARB's" life. She regarded him as her best friend. He presented as highly supportive of her and her views. She believed them to be kindred spirits.

In March 2006, "ARB" and Tom Fowler began a relationship. But EN1 often ridiculed Tom and pointed out his flaws.

When "ARB's" father died on 2 January 2008, EN1 told her that his mother had died when he was very young, and that his father had died more recently. He talked of growing up without his mother and his father, and manipulated "ARB" into feeling guilty that she'd not supported EN1 in what she believed to be his recent bereavement, and about the privilege she had had of having both her parents alive until she was 29 years owed. EN1 even attended her father's funeral and met with "ARB's" extended family.

Later in 2008, EN1 initiated a sexual relationship with "ARB", telling her he loved her. She felt guilt and shame at having been unfaithful to Tom. "ARB" and EN1 slept together on further occasions, and "ARB" split
up with Tom. But she did so anticipating a genuine relationship with the man she knew as "Marco Jacobs".

But then he seemed to lose interest in her and said they should just be friends. "ARB" accused him of deliberately misleading her about his feelings, and the relationship ended and they saw much less of each other.

In December 2008, "ARB" and Tom rekindled their relationship, and they remained together until 2016. But they were both deeply scarred by the undercover officer's behaviour, and ultimately they split up.

EN1's conduct irreparably damaged "ARB's" trust in other people and in her own judgement. She feels violated. She suffered paranoia and a major loss of confidence. She has avoided many social situations and has been too anxious and afraid to remain politically active. And previously her activism had been a central part of her life, too. She suffered depression and feelings of helplessness, which she continues to experience.

She feels her life has been on hold since she learnt that Marco was an undercover officer. She has not been able to come to terms with what happened, and has been unable to return to her previous work in the field of
social care.

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

Tom Fowler met EN1 at the Earth First! summer gathering in 2004, and they began spending more time together the following year. EN1 purported to cultivate a close personal friendship with Tom, who came to think of him as his best friend, and he shared with him personal information, including about his ill grandmother and the recent death of his grandfather, to whom he had been very close.

When his grandmother then died, Marco supported Tom through the grieving process. Tom spoke at length to EN1 about his relationship with "ARB", who he was in love with. EN1 purported to support Tom when he and "ARB" split up in 2008.

When he learned that Marco was in fact an undercover police officer paid to target him and his friends, Tom was shocked and frightened. He felt the whole time he had known Marco had been a lie. He felt betrayed, hurt and angry by the false friendship that EN1 had formed with him, and how the officer had caused him to reveal
deeply personal information he would not have shared had
he known the truth.

These feelings were compounded by the knowledge that
EN1 had fraudulently induced "ARB" to enter into
a sexual relationship with him. And since
the revelation, Tom has found it difficult to trust
people, even those he has known since childhood. He has
withdrawn from social contact, and feels unable to face
demanding situations.

Next I come to "TBS". Bob Lambert formed an
intimate relationship with "TBS's" mother, who I will
refer to as "Jacqui", during the course of his
undercover deployment as Bob Robinson, a committed
animal rights activist.

The relationship was based on this deception, and
consent to the sexual relationship was achieved by
Bob Lambert's fraud.

Bob Lambert had met "Jacqui" in about 1984, and
began a relationship with her soon afterwards. By
the time of "TBS's" birth in September 1985, "Jacqui"
and Bob Lambert had set up home together, and he was
present at the hospital when "TBS" was born.

Continuing in his false persona as Bob Robinson, he
purported to fulfil a father's role in the early years
of "TBS's" life. They lived in the same house as an
ostensible family unit until 1987. And after the relationship with his mother ended, Bob Robinson continued to visit his son until his abrupt departure the following year.

In late 1988, Bob Lambert told "Jacqui" he had to leave the UK because of police interest in him following a firebombing. After this, he proved untraceable, despite the sustained efforts of "TBS's" mother.

When "Jacqui" formed a relationship with a new partner, it was decided to make his parental role formalised by adoption. An official adoption investigator was employed to try and trace "TBS's" biological father. He reported back that he had acquired information from an individual who had shared a flat with Bob Robinson in London, and I quote:

"... he was unlikely to surface in the future because of his intense political involvement in the Animal Liberation Movement activities. The child's natural father appears to be a wanted person by the police for interrogation."

Thus was Bob Lambert's cover story perpetuated.

"TBS" was not aware of the identity of his biological father until the sudden death of his stepfather when he was eight years old. In the aftermath of that bereavement, "TBS" asked about his
biological dad and wanted to see him. So "TBS's" mother
redoubled her efforts to try and trace him and
couraged the Child Support Agency, the "CSA" as I will
refer to them, to assist her in finding him. The CSA
reverted, confirming again that "TBS's" father was
a wanted man and on the run.

As he grew up, TBS was troubled and distressed by
the failure of the man he had known as his father to get
in touch with him. He grew up with a false
understanding of the person his father was.

It was only in 2012 as a result of media attention
that "TBS" learned via his mother of his father's true
identity. Since learning that his father was an
undercover officer, he has struggled to reconcile this
with the understanding he had over the previous decades
that he was the son of an animal rights activist who had
gone on the run from police.

"TBS" and Bob Lambert have now established
a relationship. This was a painful and difficult
process for "TBS", involving a complex set of emotions,
as one can only imagine.

The lost years can never be returned to him, but he
is preoccupied with the fact that the Metropolitan
Police were apparently prepared to let him go his whole
life without learning the truth, and without having
the opportunity to get to know his father. And although he now values the relationship with his father, he is deeply troubled by the fact he was conceived through a deceitful act which has greatly impacted upon his mother.

"TBS" has been very hurt by this series of events. He has suffered a loss of identity and a sense of personal integrity. He has experienced considerable distress when exposed to triggers such as contact with the police.

When "TBS" issued a civil claim seeking damages for his appalling treatment, the Commissioner of the Metropolitan Police responded by trying to have the claim struck out as legally unsound. That application was dismissed by the High Court, and eventually the Commissioner agreed a settlement of "TBS's" claim, paying him a substantial sum of money, and apologising to him unreservedly:

"... for the Metropolitan Police's role in the circumstances that led to your father's relationship as an UCO, with your mother, which culminated, years later, in the realisation that what you had been led to believe about your father and your home life and the reasons given by your father for leaving the family home were based on a fundamental deceit."
I turn now to some of the common themes from the personal narratives of my clients. And of course, and unsurprisingly, they strongly echo those identified by Ms Kaufmann this morning; itself indicative of the centrality and the sustained nature of this appalling conduct.

Predictably, those who were received into sexual and other intimate relationships have suffered intense psychological consequences from which they may never recover. The officers were convincing and plausible liars. They had the benefit, we assume, of training and mentoring to convince even the most wary of targets. And that skill set was brought to bear in an entirely unacceptable sphere: the emotions of women, who they caused to sleep with them through manipulation and fundamental deceit.

In addition to the pervading sense of violation and loss of dignity, those who experienced this deceit have all felt a consequential paranoia, an insecurity that has permeated every aspect of their private and personal lives. They've lost confidence in their own ability to assess the world around them, and the extent to which they can rely on other people, even those who appear kindly and supportive. They felt utterly destabilised by the discovery that what they believed to be true was
in fact a complete fiction. And therefore they can
trust no one, not even themselves.

"AJA" says:

"I don't trust my own mind any more."

And Sarah explains:

"I feel safe with my family but I do not feel safe
with my friends. I cannot be certain who they are ...
there is always a small part in the back of my mind
which asks whether the person I am speaking to is
genuine."

The undercover police units and its operatives
gathered a formidable body of knowledge concerning the
groups and individuals they targeted, including as to
the values of the individuals drawn to those groups of
mutual respect and interdependence. So it was
inevitable, then, that those who had been the conduits
for the officers' deep cover would suffer appalling
guilt at having brought duplicitous police officers into
their friends and their comrades' lives.

Our clients have suffered the anguish of feeling not
only were they taken in by these officers, but they
unwittingly betrayed those friends and those comrades.

Sarah reflects:

"I was the link to introducing him to people who
would never have wanted to meet him had they known he
was a police officer. I feel pretty guilty about that."

And as we heard this morning, central to the officers' manipulation was the presentation of an irresistible persona: the boyfriend who was ever kind, attentive, helpful, full of empathy; the friend with endless patience for shared problems and confidences, always willing to assist. And the realisation that this exceptional person didn't in fact exist was shattering.

Sarah remembers the pampering. "AJA" recalls of EN1:

"He was the perfect friend -- always there, always generous with time and coffee and hugs. Absolutely dependable ... He was -- quite deliberately of course -- the person I felt I could trust most in the world, more than absolutely anyone."

And Tom says of the man he knew as "Marco":

"He was what seemed to be the greatest friend, we shared so many of the same passions and connected on all sorts of matters personal, political, everything. He was always very supportive and quick to give advice, encouraging me to open up about personal issues ... in a way I wasn't used to and would never be able to do now."

And allied to this was the presentation of a person who reflected their victim's interests, claiming to share their music tastes and their hobbies and so forth,
as we heard this morning.

A particularly egregious aspect of the undercover officers' conduct was their reliance upon techniques of psychological manipulation, including preying upon individuals with pre-existing psychological vulnerabilities. Furthermore, they developed false narratives of their own vulnerability and victimhood, in order to deepen the apparent bond. "Lindsey" records that Carlo Neri:

"... confided in me early on that he had a son from a previous short relationship that he was estranged from... He agonised over whether to re-establish contact and drew me into helping him make the decision. He swore me to secrecy from our social circle. After our relationship finished he rang me again to 'confide' that his father (in Italy) was seriously ill. Not long after I wrote him a letter telling him I still loved him."

And officers have caused particular trauma for clients by using false narratives to mirror genuine tragedy. "ARB" says of Marco in relation to her father's death:

"He seemed so understanding of what I was going through as he told me he had lost his mother at a very early age and his father more recently. I felt that we understood each other in this respect."
In addition, the false narratives provided at the point of extraction left victims engaging in fruitless searches for them and depleting their own emotional energies with concerns for their safety and welfare.

When EN1 left Cardiff and stopped replying to "AJA's" texts and postcards, she felt terrible guilt. She was sure she was responsible. She searched the internet for reports of a British man missing or dead or injured in Corfu. She placed advertisements on three websites to say she was looking for him. She considered travelling abroad in an attempt to find him.

Another feature for so many has been an overwhelming debilitating depression and a sense that life has lost all meaning. Enjoyment of work, friendships, intimate relationships and pastimes has disappeared. And they have been too frightened and damaged to return to the political activism that meant so much to them.

The knowledge that undercover officers inserted themselves not only into their lives but those of their immediate families at times of personal and emotional upheavals is hard to bear. Marco became a frequent visitor to Tom's parents' home, presenting as a supportive close friend with his grandmother died. And I've also already described his visits to "ARB's"
parents' home and attendance at her father's funeral.

I turn, then, to some common themes relating to
the officers' conduct itself.

Our clients' experiences indicate
the undercover officers acted with total disregard for
their wellbeing. Officers indulged in gross escalations
of the psychological risks associated with their abuse,
including through repeatedly speaking of love and
communicating commitment.

The Inquiry has already heard at various times
references to the SDS Tradecraft manual, an internal
document providing guidance for undercover officers that
was originally drafted by Andy Coles, and was
subsequently added to by Bob Lambert. The absence of
any clear guidance in this document, and the absence of
any acknowledgement of the potential consequences or
potential harm that could be caused, is striking.
The text proposed that undercover officers "must make
your own mind up", and if attempts to avoid any sexual
encounter led to suspicion:

"If there is no other option but to become involved
with a weary, you should try to have fleeting,
disastrous relationships with individuals who are not
important to your sources of information. One cannot be
involved with a weary in a relationship for any period
of time without risking serious consequences."

A "weary" was the disparaging term which SDS officers used for those they spied on.

By the time this flippant, complacent, offensive text appears to have been written, Bob Lambert not only had had at least one lengthy sexual relationship himself under his cover identity, but as you have heard, he had fathered and abandoned his child, "TBS".

The need for proper regulation of this gross practice must have been clear. However, whatever else this text lacks, it confirms that officers were certainly aware of the practice, and at the very least condoned it.

My clients' experiences have much in common with each other and with the other women whose experiences you heard about this morning in the way that their trusts were abused and the way in which they were manipulated.

They don't believe this to be a coincidence. They believe the similarity of their experiences must have stemmed from a shared pool of knowledge, understanding, training or guidance the officers received. And that, in turn, this indicates a likely awareness of the widespread nature of this practice at a more senior level within the policing hierarchy. And the particular
similarities in the way that undercover officers terminated their contact with those who they deceived indicates the existence of a shared exit strategy. These emotional and sexual relationships were not fleeting or transitory, they were constructed over time, created deep emotional commitment on the part of the victim, and often endured for a substantial part of the undercover officer's deployment. Given the longevity and nature of these relationships, it appears inevitable that more senior officers were aware of what was taking place, or at the very least were wilfully blind to it.

Former undercover officer Peter Francis told The Observer newspaper that although not officially sanctioned, such conduct by SDS officers was tacitly accepted by supervisory officers, and in many cases was -- I quote -- "vital in maintaining an undercover role". He also said "sex was used as a tool to help blend in". And in the Dispatches programme broadcast in June 2013, Peter Francis said there were a 'couple of provisos' in respect of sexual relationships: one was to use a condom, the other was not to fall in love. He said he had been warned that another officer, Bob Lambert, was allegedly tricked into having a child.

Mark Kennedy's evidence to the Home Affairs Select
Committee was that it was highly unlikely that an
officer might enter into a relationship without his
superiors knowing. He explained that his managers had
access to all his communications, that he carried
a tracking device so they always knew his whereabouts,
and he was in regular contact with other
undercover officers and informants who would have
reported back on his activities. He said it was beyond
belief that his superiors didn't know.

The motivation behind these relationships remains
unclear. Were they prompted by a twisted logic that it
was in accordance with the imperative of maintaining
the officer's cover? Were they a means of accessing and
gaining so-called "intelligence"? Or were they for
sexual gratification? Was it a combination of all these
reasons?

In any event, our clients were simply political
activists. Yet it was apparently considered acceptable
for this grotesque and sustained psychological
manipulation to be used against them.

Many questions arise, too, from "TBS's" particular
experiences. That children could be fathered as
a result of these relationships was plainly foreseeable
and must have been foreseen. So what consideration was
given to these risks? And what steps, if any, were
taken to guard against this kind of situation occurring?

Most obviously, permitting an undercover officer to remain in the same deployment for a lengthy period of time substantially increases the risk of children being conceived.

Furthermore, what, if any, consideration was given to the fact that an officer would inevitably end up abandoning the child when his deployment came to an end, and the child would, on the face of it, never be able to trace, never be able to meet their father? As "TBS" found for many years, he was not even able to gain a sense of who this person was.

Was this regarded as acceptable? Was any consideration given to the best interests of the child? If fathering a child was not an approved tactic, the question arises as to what steps, if any, were taken against officers who did this. It does not seem to have led to any disciplinary action. And of course, after "TBS" was born, Bob Lambert was promoted: he went on to manage the SDS unit in the 1990s.

Sir, you will know that in our submissions we've dealt with the legal context. I'm not, in the interests of time, going to go into that now. But for reasons we explain in that submission, we say that this conduct involved very clear breaches of Articles 3 and 8 and 10

I turn, then, to questions -- drawing together central questions that my clients have, and which they say is incumbent on the Inquiry to address. And we also pose these questions to the State core participants.

To what extent did undercover officers routinely or casually engage in sexual relationships with those they were charged with infiltrating?

How common was it for officers to behave in this way?

What training or instruction did undercover officers receive in relation to this, either prior to or during their deployments?

What information was shared between undercover officers about these relationships?

To what extent were those who monitored or supervised these deployments aware of the relationships?

What safeguards were in place?

Why were lengthy deployments permitted, given the evident risks of such relationships being formed?

To what extent were officers either encouraged or discouraged from forming such relationships? If they were encouraged to do so, why was this?

Did any written guidance exist other than
the Tradecraft Manual? Who authored the parts of
the manual dealing with sexual relationships, and at
what level of seniority was this considered?

Was any documented authorisation ever granted that
extended to such relationships?

What was the purpose behind officers entering into
these relationships, if any?

What consideration, if any, was given to the impact,
including the psychological impact, upon the women who
were deceived into these relationships.

And to what extent did sexist and/or misogynist
attitudes on the part of the undercover officers or
their managers play a part in the culture?

What consideration, if any, was given to
the collateral impact on family members and friends of
the women?

What records were made about the women with
whom officers had relationships? What records have been
retained?

What advice were undercover officers given about
ending these relationships? What efforts were made to
assist officers in avoiding subsequent discovery by
the women involved?

After the relationships ended, what level of
surveillance was carried out to see if the women in
question were making inquiries that posed a threat to
the maintenance of the officer's cover identity?

To what extent did senior officers and/or
Home Office personnel know about this practice? What
steps were taken in response to any such knowledge?

Insofar as the SDS and/or the NPOIU were not
required to conform to the governance or training
requirements that apply to other areas of undercover
policing, who made these decisions, and what was
the rationale?

Was the relatively lax oversight of the SDS and
the NPOIU attributable to the fact that officers
undertook intelligence-gathering rather than evidential
roles, which were not required to meet the standards of
the criminal and civil justice systems?

Did undercover officers receive assurances, implicit
or explicit, that their anonymity would be protected
irrespective of their engagement in discreditable or
unlawful conduct whilst undercover?

How many children were fathered as a result of
undercover officers' deceptive sexual relationships with
those they spied on? What, if any, guidance, training
or instructions were undercover officers provided with
in relation to that situation?

To what extent did managers and other senior
officers appreciate that this was a potential consequence of long-term undercover deployments? What steps did they take in consequence?

Was any consideration given to the impact upon a child, who would inevitably be abandoned by his or her biological father when the deployment came to an end?

To what extent were the child's best interests considered?

To what extent did police take steps to assist officers in avoiding subsequent discovery by the mother or child of the relationship?

And what would have happened if an undercover officer had tried to make contact with his child after the deployment had ended? Would that have led to disciplinary action?

And the following specific questions arise in relation to "TBS's" experiences:

Were Bob Lambert's handlers and/or supervisors aware he had conceived a child? And if so, when did they become aware? And what action was taken by them with regards to "TBS" and with regard to managing the risk of further conceptions and births?

Were those responsible for Bob Lambert's promotion within the SDS aware of "TBS's" birth? Were Bob Lambert's handlers and/or his supervisors involved
in developing his extraction strategy and the subsequent subterfuge aimed at protecting his identity from attempts to trace him, which I have already described?

Sir, I turn very briefly to our client's experience of the Inquiry to date.

Like other non-state core participants, our clients are dismayed that some five years after the commencement of the Inquiry, the evidential phase of the process is only now about to begin; and that even now there will be a long gap before they are likely to receive meaningful disclosure or an opportunity to participate in relation to the evidence that is heard.

Concerns over procedural shortcomings have been raised in other opening statements made by the non-state core participants.

Amongst our clients, there is also a strong view that the evidential hearings should be made accessible to all core participants as well as the public by live link. And the failure of the Inquiry to provide proper access to the hearings in this way will do little to allay public concern about abusive conduct by police and interference of political groups by the state.

Broadly, our clients fully endorse concerns already raised about the procedural shortcomings. And in the circumstances, I only intend to refer very briefly
to two matters that directly affect my clients.

Firstly in relation to "Lindsey" and the officer who used the cover name "Carlo Neri".

Sir, you ruled back in August 2018 that his real name would be redacted from the evidence to the Inquiry and placed the responsibility upon "Lindsey" and others in her position, who were aware of the real name, not to reveal it. The order recorded:

"In the final analysis, the decision whether or not to publish HN104's real name will depend upon the judgement and humanity of those who already know it."

To have put that responsibility upon women in "Lindsey's" position, couched in an appeal to her "humanity", was insensitive and inappropriate, for the way she was treated by HN104 showed no respect for her humanity at all.

"Lindsey" had wanted to use the officer's real name in making this statement and, acting responsibly, she notified the Inquiry of that intention. As you know, sir, I have of course, as required, given the undertaking that you sought today. But I am asked to convey "Lindsey's" great disappointment and frustration that she has been prevented from naming Carlo Neri.
Secondly, Marco Jacobs' real name has not been revealed. Much to our client's shock and further anguish, when seeking an order from the inquiry that his real name is protected, he has stooped so low as to deny that the sexual relationships which I have described even took place, despite "AJA" and "ARB" having received substantial compensation from the Metropolitan Police Service in respect of the abusive relationships they suffered because of his deceit.

Sir, we heard suggestions in police opening statements that entering into deceptive sexual relationships was not a widespread practice. Well, apart from anything else, that assertion lacks all credibility when officers from amongst their number are actively and falsely denying the existence of such relationships.

In conclusion, sir, our clients continue their engagement in this difficult process, driven by their need to know and understand their own histories. They are driven to understand the full extent of the intrusion on their lives, so they might have some prospect of resolving the mental torture caused by the undercover officers' conduct.

They seek explanations as to the true purpose of the officers' action, and an understanding as to how
high up the chain of command there was knowledge,
encouragement or indifference.

They seek to establish the depth and breadth of
the intrusions upon their lives; and in respect of
the women, the gross interference with their bodily
integrity.

They seek a reliable, official record of
the chronology of events, the gross violation of their
human rights and the impact that it has had.

They seek not only the learning of meaningful
lessons, sir, but the implementation of tangible
protections against future abuse.

Sir, thank you very much.

THE CHAIRMAN: Thank you, Ms Williams. I know that you are
going to resume on behalf of another category of
core participants at half past.

MS WILLIAMS: That's right, sir, yes.

THE CHAIRMAN: Thank you.

MS PURSER: Thanks very much. We will now take a break
until half past. Thank you.

(3.14 pm)

(A short break)

(3.30 pm)

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

THE CHAIRMAN: Thank you.

Ms Williams.

Opening statement on behalf of Category F Core Participants

by MS WILLIAMS

MS WILLIAMS: Thank you, sir. Good afternoon.

Sir, one of the most difficult and personal events for anyone to bear is the death of a child. The grief involved is simply unimaginable for most of us. The families we represent not only underwent that terrible experience, but many years later have been horrified to learn that their deceased son's or brother's identity was taken and manipulated to create the false identity of an undercover officer. Something they would never have consented to, and which has tarnished the memories of their loved ones.

A number of the families who are in this profoundly upsetting situation have been granted core participant status at this Inquiry and, along with Fiona Murphy, I am instructed by Jules Carey of Bindmans solicitors to represent them.

They are, sir, firstly, Frank Bennett and Honor Robson, the bereaved brother and sister of Michael Hartley, who died on 4 August 1968 at 18 years of age. The officer known in this Inquiry as "HN12"
appropriated Michael's identity for the purposes of his undercover deployment by the SDS between 1982 and 1985.

Secondly, sir, we represent Faith Mason, the bereaved mother of Neil Robin Martin, who died on 15 October 1969 at six years of age. The officer known at "HN122" appropriated aspects of Neil's identity for his SDS undercover deployments in the name Neil Robin Richardson, during the period 1989 to 1993.

Thirdly, we represent Mr, Mrs and Ms Lewis, who are the father, mother and sister of Anthony Lewis, who died on 31 July 1968 at seven years of age. The officer known as "HN78" took Anthony Lewis' identity for his undercover deployment by the SDS between 1991 and 1995, and during this period was known as Anthony "Bobby" Lewis.

Fourthly, we represent Liisa Crossland and Mark Crossland, the stepmother and brother of Kevin John Crossland, who died on 1 September 1966 at five years of age. The officer known as "HN16" used Kevin's identity for his SDS undercover deployment between 1997 and 2002.

Fifthly, we represent Barbara Shaw, the bereaved mother of Rod Richardson, who died on 7 January 1973 when he was just two days old. The officer known as "EN32" appropriated Rod's identity for his undercover deployment by the NPOIU between the years 2000 and 2003.
This statement is also provided on behalf of Gordon Peters, who is the father of Benjamin De Witt Peters, who died on 23 September 1979, when he was a week old. And the lady to be known as "RDCA" who is the mother of Jed Lacey Morris, who died in April 1971, when he was one years old.

They want to know whether the identities of their deceased children were appropriated by undercover officers. Their situation shows that the practice of police relying upon the identities of dead children has impacted not only on those who know that their children's identities were used, but also on those who have suffered traumatic bereavements of a young family member but who are now left in limbo wondering whether or not their loved one's identity was misused in this way.

The police practice that we will describe was not confined to the name of the deceased child, but included their dates and place and birth, the date and causes of their deaths, the names, occupations and addresses of their parents and other family members, together with other as yet undisclosed aspects of their lives. This was stored, used and communicated without the families' knowledge or consent.

Since this tactic has been exposed, the families
have suffered considerable anguish, shock and distress.

In July 2013, Operation Herne's report 1 -- in that report, the authors indicated that the tactic was no longer used by any police force. As I will return to in more detail, our clients are far from persuaded that during the time when the tactic was used,

the alternative approach of creating entirely fictitious identities was unavailable to officers, and far from persuaded that operational necessity required this disgusting practice. To the contrary, they believe it likely that the culture of secrecy and isolation fostered by the Home Office and the SDS explain why alternative methods were not encouraged or adopted.

The absence of any meaningful internal or external governance in respect of the SDS involved a gross dereliction of duty on the part of the Home Office and the Metropolitan Police executive leadership. And they must bear the ultimate responsibility for this debacle.

During the course of this statement, I will describe the experiences of our clients, reflect on the common themes that emerge from their personal narratives, and identify pressing, unanswered questions that have preoccupied them for several years now; including why this abhorrent practice was permitted to develop and continue; whether, and at what level of seniority, it
was authorised and tolerated; and the reasons why, and at whose direction, it came to be discontinued.

My clients are concerned at the apparent callous disregard for the appalling bereavements that each of them had suffered. Responsibility ultimately lies with those whose role it was to ensure that the special accommodations afforded to undercover policing operations were not used as a cloak for discreditable and unlawful conduct.

This Inquiry must not shirk from its responsibility to hold police officers to account for the improper discharge of their public functions.

And we also address the Metropolitan Police, the Home Office, the National Crime Agency and the College of Policing. Consistent with the duty of candour that we've explained in our written submissions, these institutions are invited to take immediate steps to answer the questions we go on to identify.

I turn to the history of the practice. In addressing this, I am somewhat hamstrung by the fact that the families I represent have so far had very limited disclosure from the Inquiry, save for the SDS Tradecraft manual, which I will come on to, and some SDS Annual Reports.

Accordingly, the narrative that I am able to address
on behalf of my clients is almost entirely reliant on reports and documents that are already in the public domain. It is apparent from Mr Scobie's opening statement on Friday that he has seen documents that bear on the use of this tactic, because the Inquiry regards his clients as having an evidential interest in T1/P1, but my clients as not. It is a matter of concern that these plainly relevant materials have not been made available to the only legal team representing the families whose loved ones' identities were misused in this way.

It has been suggested that the methodology of using dead children's identities was developed from cultural and media references to such techniques, including a film and a book based on a 1943 Security Services sting, "The Man Who Never Was", and the 1971 Frederick Forsyth novel, "The Day of the Jackal", in which an assassin built a credible legend around the details of a deceased child.

But the details of the circumstances in which the tactic came to be introduced and relied upon within the SDS have not as yet been made public.

In Mr Barr's opening statement last week, he confirmed that evidence obtained by the Inquiry indicates the practice was not adopted by the SDS in its
early years. Mr Sanders for the Designated Lawyer
Officers told you, sir, the tactic was adopted as
a standard practice from around 1973 until
the mid-1990s.

Accordingly, undercover policing was able to
function prior to that period without reliance on
the practice. A memo from SDS supervisory officer,
a detective inspector, HN294, dated 21 February 1973
stated -- and I quote:

"... one of the main advantages of a field officer
assuming a fictitious name, using a cover address and
employment and radically altering his appearance is
that -- unlike an informant -- he can resume his proper
identity and appearance at any time and immediately be
'lost' to the extremists."

The memo continued:

"... the result has been that since the formation of
the Squad, no officer has been irretrievably exposed or
identified, but all are aware that unfortunate
coincidence or mischance could defeat even the most
stringent precautions."

Mr Sanders told you last week, sir, that using
a real person's date of birth became necessary because
of the way that the register of births was collated at
the time. Plainly, this is something that the Inquiry
will need to probe very carefully when the evidence is heard.

Mr Sanders also told you that the central reason for the adoption of this practice was that a number of SDS officers, presumably those using fictitious names, were compromised or outed. However, neither his written statement nor his oral opening addressed -- neither his written or his oral opening identified a single document that supports this assertion. Moreover, it appears to fly in the face of the memo from 1973 that I have just quoted from.

The Operation Herne report identified 42 SDS officers who had relied upon the identity details of a deceased child, and 45 who had developed entirely fictitious covert identities. The province of the remaining 19 covert identities had not been established at that time and investigation of the NPIOU's officers' reliance on the practice had barely commenced.

Operation Herne also noted the tactic may have been used by other police forces.

There appears to have been efforts to phase out the practice on grounds of operational ineffectiveness from 1995, although Operation Herne identified at least one earlier incidence when an officer had used an aunt's
surname for forming his cover name.

The SDS Tradecraft manual stated the phasing-out of the practice began in November 1994, and suggested that HN26's cover name, "Christine Green" -- she was deployed between 1994 and 1999 -- was the first SDS officer to have obtained an entirely fictitious identity.

However, strikingly, the practice continued long after it had been discredited and obvious viable alternatives developed. HN16 and EN32 were deployed using the stolen identities of Kevin Crossland and Rod Richardson in as late as 1997 and 2002 respectively.

Within the SDS, the appropriation of the identities of deceased children was a taught and ingrained methodology, by which officers established not only a covert identity but a background story, aimed at achieving plausibility with regard to that identity.

The tactic as described by the Tradecraft manual appears to have entailed, in the first instance, selecting a surname or group of surnames, and then searching death registers, until the death of males of the right age have been identified, that is between 8 to 14 years old.

Then obtaining the details of a dead child from St Catherine's House by searching the death records and noting folio references of potential candidates,
avoiding:

"... infant deaths or people aged over 16 since
the first are easy to spot and the second will have
records in DSS."

And obtaining:

"... as many potential names as possible to allow
you to choose the most relevant."

And, said the manual, searching for a person who was
the officer's own age or a little younger, so as to
provide a more convincing profile for the infiltration
of radical political groups.

And in so doing, appearing to those who worked at
St Catherine's House as someone tracing a family tree
but uncertain as to the first names of family members.

Then, having found a relevant death, working out
the approximate age or date of birth and checking back
through birth records until a match was found.

Then sending both the death and birth details to be
searched by staff. Once searches for the full details
had been returned, choosing a suitable candidate.

Also ascertaining whether information given on
the birth certificate provided an address for
the deceased child's parents. And if so, ensuring they
had no remaining link with that address.

The Operation Herne report 1 explained that efforts
were made to research the existence of close family members, and that names that were too unusual or too uncommon would be discounted and "so too would cases where the deceased had died in unusual or memorable circumstances".

Undercover officer Peter Francis told Operation Herne it was common practice:

"... to weave one's own memories into that of the child [the undercover officer] had based his cover identity upon."

He acknowledged that, in doing so, he "felt that he was stamping on their memory". He also told Operation Herne he had "no choice, either he used the identity or he would have had to leave the unit."

In June 2013, the Home Affairs Select Committee recognised in its undercover policing interim report that this practice did:

"... not just involve borrowing the individual's name, but their date of birth and parents' identities and creating a plausible back-story in which the legend grows up and goes to school in the area where the child would have lived."

Similarly, in their book "Undercover: The True Story of Britain's Secret Police" by journalists Rob Evans and Paul Lewis, they wrote:
"They were not just assuming the names of deceased people -- they were assuming their entire identities, so they made sure they familiarised themselves with the lives of the people they were pretending to be. That usually meant a visit to the house where the child was born and spent the first few years of their life, to get to know the surroundings."

They go on to describe how officers memorised the names of the child's parents and siblings, as well as other relatives; and found ways to work small details into the false back story.

Peter Francis gave the example of using the actual occupation of the deceased child's father.

Sir, in his opening last Tuesday, Mr Skelton on behalf of the Commissioner of the Metropolitan Police rightly acknowledged -- and I quote -- "insufficient consideration was given to the impact it" -- that's to say the tactic -- "might have on the families of the children concerned".

Sir, this is amply borne out by the contents of the SDS's Tradecraft manual, which reveals a striking lack of insight and sensitivity.

The officer's task in relation to this practice was characterised as one of -- and I quote:

"... finding a suitable ex person, usually
a deceased child."

Officers were advised to find a death that
was "natural or otherwise unspectacular", checking
whether the deceased child had living relatives was
referred to as identifying their "respiratory status".
And the action of adopting a dead child's identity was
referred to as "assume squatters' rights over
the unfortunate's identity".

Sir, this text reveals a total absence of any
consideration for the relatives' traumatic loss of
a child or of the potential consequences for them.

In light of this contemporaneous documentation,
Mr Sanders' framing of the decision to use deceased
children's identities in his opening statement
as "a difficult choice" and one that was "not done
lightly or gratuitously or callously" by his officer
clients does, I'm afraid, ring extremely hollow.

To the contrary, the contents of the manual shows
that, regrettably, that was precisely the officers'
mindset. And it was a mindset that was not just callous
by today's standards, but callous by immutable standards
of human decency.

HN78 who appropriated the identity of Anthony Lewis
was black as are the Lewis family. The cause of
Anthony's death was sickle cell anaemia, an illness that
occurs predominantly in individuals of African and
Caribbean dissent.

The Lewis family want to know how HN78 identified
Anthony; whether he looked specifically for deaths
attributable to sickle cell illness, or relied on some
other method to target and identify black children;
whether he was trained to do this or acted on his own
initiative; and what was the approach of any other black
SDS or NPOIU officer.

As to how high up knowledge of the practice went, we
do not know at this stage whether any Home Office
official or minister was aware of it. The Operation
Herne report 1 concluded that the SDS management team
were fully aware of the practice and actively promoted
it to officers recruited to the unit. The extent to
which officers beyond the SDS and the NPOIU were aware
has not been disclosed and will need to be considered by
the Inquiry.

Sir, I come next to the revelation of the practice.

It appears the practice of using deceased children's
identity was not made known to any of the affected
families or to the public until early 2013.

On 31 January 2013, Barbara Shaw made a formal
complaint to the Metropolitan Police about
the appropriation by an undercover officer of
the identity of her deceased son after she had learned
of this from a journalist with The Guardian newspaper.
Her complaint was made the subject of a local
investigation by the Metropolitan Police Department of
Professional Standards.

Contemporaneously with the communication of
Barbara’s complaint, on 3 February 2013, The Guardian
published an article revealing that undercover police
officers had commandeered the identities of dead
children and young people to create false identities.
A series of related articles followed in The Guardian
that week, and the story was picked up by other news
outlets.

On 26 February 2013, the Home Affairs Select
Committee published the outcome of its inquiry into
undercover policing. The committee expressed its
conclusion in the strongest of terms -- I quote:

"The practice of 'resurrecting' dead children as
cover identities for undercover police officers was not
only ghoulish and disrespectful, it could potentially
have placed bereaved families in real danger of
retaliation. The families who have been affected by this
deserve an explanation and a full and unambiguous
apology from the forces concerned. We would also welcome
a clear statement from the Home Secretary that this
It cannot be sufficiently emphasised that using
the identities of dead children was not only abhorrent
but reflects badly on the police. It must never occur
again.

The committee called for Operation Herne
investigations to be expedited, and for families of
the dead children whose identities had been appropriated
to be informed:

"We cannot understand why it is taking so long.
Families need to know the truth and they must receive an
apology."

In evidence given to the committee on
5 February 2013, Deputy Assistant Commissioner Gallan
stated the practice had ceased and could no longer be
authorised as -- I quote:

"The degree of intrusion into the lives of innocent
and vulnerable families of deceased children could not
be justified."

On 16 July 2013, the then Commissioner of Police of
the Metropolis issued a general apology for the shock
and offence caused by revelation of the practice. By
that date, 14 inquiries had been made to Operation Herne
by family members concerned that the identities of their
loved ones had been appropriated. They all received
similar general letters of apology.

However, the names of the children whose identities were used were not disclosed, as the policy of neither confirming nor denying the use of any particular name -- which I shall refer to as "NCND" -- was applied.

Returning to Barbara Shaw. On 16 July 2013, she was informed that her complaint had not been upheld. The NCND policy was relied on to explain the limited nature of the apology that had been extended. Subsequently, a heavily redacted version of the complaint investigation report dated 25 July 2013 was provided. She was astonished to see it contained the following offensive observation:

"The enquiry team ... had no official corroboration or account from the complainant about the accuracy of her claims in 'The Guardian' that she was the mother of a deceased child named 'Rod Richardson'."

In fact, the letter of complaint had confirmed that Barbara was Rod's mother: a matter about which there was no controversy.

On 29 October 2014, the Independent Police Complaints Commission upheld aspects of Barbara's appeal against the decision, and it was remitted back to the Metropolitan Police for further investigation. The redacted reinvestigation report dated
23 February 2016 was disclosed to Barbara in November 2017. It concluded the use of Rod's identity was in accordance with the doctrine and practice of the NPOIU, and thus the complaint was not upheld against the undercover officer EN32.

The report did provide a partial explanation for the NPOIU's continuation of the practice that had been -- had begun to be phased out by the SDS in 1994, as I've referred to.

In short, in 1999, the NPOIU was framed in the same secret and isolated model that had been adopted by the SDS. It was an organisation that did not share information, tactics or collaborate with other undercover units. In other areas of undercover policing, expectations of professionalism were maintained through nationally approved training courses accredited by the National Undercover Working Group. These courses did not teach the practice of relying upon deceased children's identities for the construction of covert identities.

But in contrast, NPOIU officers attended a separate course, the National Undercover Course in Public Disorder, that had been tailored to the undercover infiltration of animal rights and other political organisations.
This course was not accredited, and relied upon a former SDS operative as a trainer. His service in the SDS had pre-dated the phasing-out of the practice, and there was no oversight which prevented him from passing on this discredited tactic to the NPOIU officers.

Senior officers and managers within the NPOIU described the practice as "inherited" from the SDS, and maintained it was "an accepted method".

The report concluded — and I quote:

"To formally confirm that the tactic was or was not used in a specific case would breach NCND and increase the risk of compromise, potentially creating a risk of threat to the officer involved and his family."

Further, the complaint against the Metropolitan Police as an organisation could not be upheld, said the report, as to do so would also offend NDNC policy. And for the same reason, a personal apology would not be extended to Barbara Shaw.

Barbara appealed to the Independent Office for Police Conduct in respect of the reinvestigation report's conclusion that no criminal offence had been identified. On 2 August 2018, that body indicated it would defer its view on the appeal until the Crown Prosecution Service had decided whether any criminality
had taken place. Seven-and-a-half years after she made her complaint, Barbara Shaw still awaits the outcome.

Turning to the legal context, sir, which I will only deal with very briefly, but I do touch on it because you heard, sir, Mr Sanders for the Designated Lawyer Officers last week say that the practice was lawful. We don't accept that. We say that it was a gross, sustained breach of Article 8 of the European Convention on Human Rights, which protects the right to respect for privacy and family life.

In his 14 July 2016 ruling, former Inquiry chairman Sir Christopher Pitchford recognised that the rights protected by Article 8 included: the use of the identities of deceased children in the construction of undercover officers' legends; the collateral intrusion upon relatives' personal data; and any surveillance of them.

Sir, as you're very familiar with, any interference with rights protected by Article 8 must meet the requirements of Article 8(2): they must be in accordance with the law, pursue a legitimate aim and be necessary in a democratic society.

On the information available, the practice of using deceased children's identities was not subject to any, or any sufficient, legal authority that could satisfy
the requirements of being in accordance with the law.

That, in itself, is fatal to any alleged justification of the intrusion. Furthermore, we do not accept the tactic served a recognised legitimate aim. And we also say that the intrusion upon the private lives of our clients was not necessary in a democratic society.

The practice of relying upon the identity of the deceased, including the broader intrusions upon the private lives of our clients undertaken, it would appear, without any meaningful authorisation, without consideration of their rights or the consequences of the interference, without providing for any checks and balances, and with an absolute absence of individual or institutional accountability, clearly, in our submission, demonstrates that the "necessary in a democratic" test cannot be met. And, equally, that the level of intrusion was disproportionate.

So far as domestic law is concerned, sir, conduct amounts to a breach of privacy rights where the person in question had a reasonable expectation of privacy in relation to the material and there is no competing consideration that outweighs that expectation. So we say a similar analysis applies.

I will now address some common features before
turning to our clients' individual narratives and
the questions they seek answers for.

As we will hear, their personal narratives reflect
the devastating bereavements that they have each
suffered. As we have already observed, the bereavement
of a child is amongst the most devastating life events
anyone can suffer. Yet there is no indication in
the available material that any officer, in any position
of authority, whether in the SDS, NPOIU or
the Metropolitan Police more generally,
contemporaneously acknowledged that vitally important
case.

Secondly, sir, the impact. The revelation of this
practice has caused our clients' memories of their loved
ones to be forever tarnished and mixed up in
the knowledge of the undercover officer's conduct, which
has, in some instances, included entering into sexual
relationships based on fundamental deceit,
the commission of criminal offences, and the disruption
of legitimate activist organisations.

The intensity of their original grief has been
brought back with full force. They have suffered
feelings of disgust, of anger, of paranoia, and
a complete loss of confidence in policing. They're
incredulous that the identities of their loved ones were
taken without any operational justification. And
knowledge that the methodology included reconnoitering
family addresses has caused significant dress. And they
remain intensely concerned by the intrusion upon their
lives and its potential extent.

Several of the appropriated identities in fact fell
outside the parameters described in the Tradecraft
manual which I referred to earlier. Michael Hartley, as
we will hear, was 18 years old when he died, in
the context of a death at sea that provoked media
attention. Kevin John Crossland died in an aircraft
disaster that provoked significant media attention, too.
And Rod Richardson was just two days old when he passed
away.

Sir, I have already referred to the limited
disclosure that has been received so far. I want to
also highlight the impact of delay.

The relatives' distress has been exacerbated by
the lack of the information they have so far received
about the circumstances surrounding the original
appropriation of their loved ones' identities,
the potential additional intrusions upon them, and
the extent to which undercover officers used their loved
ones' identities when committing criminal offences
and/or entering into -- (temporary loss of audio
feed) -- and in those years there has been no tangible process -- sorry, no tangible progress in answering the relatives' questions, nor in providing them with disclosure of documents that relate to them and their loved ones.

I mentioned earlier that in 2013, the Commissioner of the Metropolitan Police expressed regret for the general practice of relying upon the identities of deceased children --

MS PURSER: Sir, I do believe we have -- oh, I beg your pardon, we lost you momentarily, Ms Williams. I will pass back to you now.

MS WILLIAMS: Thank you very much.

I think I'll just carry on from where I am, on the assumption that you didn't miss too much. I'll literally just go back to the beginning of this sentence.

As I mentioned earlier, in 2013, the Commissioner of the Metropolitan Police expressed regret for the general practice of relying upon the identities of deceased children. Since then, the families of Michael Hartley, Neil Robin Martin, Anthony Lewis, Kevin John Crossland and Rod Richardson have received official confirmation from the inquiry that the identities of their loved ones were appropriated and used as officers' cover names.
Those letters of confirmation included an offer from the Metropolitan Police to extend an in-person apology. The uptake from the families wishing to meet officers for this purpose has been low. They now feel that the appropriate time for the communication of formal apologies to them is after the Metropolitan Police and/or the Inquiry has provided answers to their questions.

Sir, I come now to the position of those who are currently left wondering whether their deceased child's identity was used or not.

In his ruling of 14 July 2016, the then Inquiry Chairman, Sir Christopher Pitchford, identified three categories of individuals affected by the practice of appropriating deceased children's identities, for the purposes of deciding what information could be provided by the Inquiry.

Category 1 comprised parents or other close relatives of a child whose identity was used by an undercover officer where the Inquiry had decided not to restrict publication of the officer's covert identity. The Inquiry would approach and inform those families of the position.

Category 2: parents or other close relatives who expressed an interest in knowing whether their deceased
child's identity had been used by police, but where
the Inquiry had imposed an order risking publication of
the relevant officer's covert identity. These families
would not be provided with any information.

Category 3: parents or other close relatives who
expressed an interest in knowing whether their deceased
child's identity was used by police and where
the Inquiry found no evidence that it was.

No information should be provided to these families
in the -- I quote -- "short term", because confirming to
some families their child's identity was not used might
lead to others inferring that it had been, in
circumstances where a decision had been made to restrict
disclosure of that information.

Sir, the Inquiry has to date publicly confirmed
the cover names of 70 officers deployed by the SDS
and/or NPOIU between 1998 and 2007. The Inquiry has
been asked to indicate how many of those cover names
relied upon the identity, or aspects of the identity, of
deceased children. The Inquiry's response was:

"[It] ... will be calling and publishing evidence on
this issue as we proceed through the hearings."

Currently, then, the scale of the practice remains
uncertain. But for those families who are within
the Inquiry's category 3, they remain looking for
answers to their concerns. The ruling of 14 July 2016
was over four years ago, when it was indicated that they
would have to wait in the short term. Well, they're
still waiting.

Mr Barr spoke in the opening of the need for caution
in releasing this information. But, sir, the Inquiry
should not underestimate the anxiety involved.

Bindmans, my instructing solicitor, wrote to the Inquiry
in January 2020 seeking an update. The relatively
uninformative response of 20 February 2020 said:

"As our investigations are ongoing, the Inquiry is
not yet able to finally review the position of [category
3] families. As and when the Chairman is able to
provide an updated position, or to conduct a final
review, he will do so."

Those of our clients who are elderly -- and many
fall in that category -- are concerned that they may not
live long enough to receive answers.

Bindmans wrote to the Inquiry again on
15 September 2020, asking when the category 3 families
could be given the reassurance they craved, that their
child's identity was not appropriated by
undercover officers, and they requested a clear
timeline. The Inquiry's recent reply states that
the review of cover names used by SDS officers is close
to completion, but that the Inquiry then has to review
cover names used by the NPOIU. No specific timeline has
been provided. But the letter continued that once
the review is completed:
"... the [Metropolitan Police] and National Police
Chiefs' Council will be invited to consider whether
a meaningful answer can be given to families in category
3."

I'm afraid, sir, our clients believe this to be
a completely unsatisfactory response. Their prolonged
wait is apparently to continue for a further unspecified
period, with no certainty that they will ever receive
a substantive answer from the Inquiry, and with
the police playing a potentially decisive role in that
determination.

I turn to the questions the Inquiry are asked to
answer.

Over seven years have elapsed since the Home Affairs
Select Committee stated in their June 2013 report:
"It is shocking that the practice of using deceased
infants' names was apparently a surprise to senior
officers and it is vital that [it is] establish[ed]
quickly how high up the chain of command this practice
was sanctioned."

My clients seek answers in particular to
the following:

At what level and to what extent was there authorisation and/or knowledge of the practice?

To what extent did the SDS depart from the governance arrangements introduced within SO10 from 1998?

If this was the case, why did it occur? And who was aware that the SDS had been permitted autonomy to choose not to adopt developing Metropolitan Police national practice for the deployment of undercover officers?

Thirdly, to what extent did the NPOIU depart from the governance arrangements applied to other areas of undercover policing?

If this was the case, why did this occur and who was aware that the NPOIU had been permitted autonomy to choose not to adopt a developing police practice for the deployment of undercover officers?

Was the relatively lax oversight of the SDS and NPOIU attributable to the deployment of their undercover officers and intelligence-gathering rather than evidential roles, meaning they were not required to meet the standards of the criminal and civil justice systems?

What were the drivers for the difference of training, tactics, review and integration between
the SDS and the NPOIU, on the one hand, and other undercover units such as SO10, on the other?

Do there remain differences in the approach to governance across undercover units nationally?

Did undercover officers receive reassurances, whether implied or explicit, that their anonymity would be protected irrespective of their engagement in discreditable, unlawful conduct whilst they were undercover?

As to the practice itself, who devised the practice? How long did it operate for? What did it entail?

What involvement did managers and other senior officers have in its implementation or oversight? What training or advice was given to officers in relation to the practice?

What information and documents were collated and relied upon in relation to each deceased person and their relatives? To what extent did undercover officers intrude upon the private and family lives of relatives? And, specifically, did surveillance take place, and were there any intrusions following the completion of officers' deployments?

When did undercover officers use false names for their legends? To what extent was this practice available and used during the time that deceased
children' identities were also appropriated?

What, if any, constraints were there upon using false names? And were such deployments completed without compromise?

And to the families, what consideration was given at any stage to the particular circumstances of the bereaved families and the likely consequences for them if the use of their loved one's identity became known to them, or to others?

Was consideration given at any stage to the risks that were being brought upon bereaved families through reliance on their loved ones' identities?

What were the details of each deployment and the extent of the wrongdoing for which any deployed officer, their handlers or their supervisors were responsible?

What were the nature and circumstances surrounding the commission of criminal offences by undercover officers in the name of deceased children and their progress through the criminal justice system, including, specifically, any abuse of such proceedings?

What were the circumstances in which the practice came to be disavowed within the SDS, and why was it nevertheless still relied upon?

In particular, why did NPOIU officers used what was
by then a discredited practice? To what extent were managers or other senior officers aware of this? What actions were taken in response, and were accreditation and training requirements circumvented?

How, and in what circumstances, did the use of the practice by the NPOIU come to an end?

As to the future, has the College of Policing established clear and unequivocal standards for undercover policing? And are the mechanisms for oversight and accountability robust?

Have clear lines of responsibilities between the National Police Chiefs' Council, different undercover units and police forces been established?

And what are those lines of responsibility?

Sir, before drawing to a conclusion, I will describe the personal narratives of the bereaved relatives. If you'll forgive me, I'm just going to pause to take a sip of water.

Michael Hartley died on 4 August 1968 when he went overboard a fishing trawler. Michael was 18 years of age. He was born on 9 June 1950. His brother Frank Bennett was 11 years of age and his sister Honor Robson was 13 years of age when they learned of the loss of their brother. The loss of Michael devastated the family, which has experienced repeated
tragedy. In 1955, Michael and Honor's father Ernest
died of tuberculosis at the age of 32 years. And
following Michael's death, his heartbroken mother
suffered a physical and mental collapse, and in 1977
took her own life. A particular feature of the intense
bereavement suffered by Michael's mother arose from his
body never having been found and there not having been
a funeral.

On 27 April 2018, a representative of the Inquiry
attended Honor Robson to provide a letter informing her
that HN12 had appropriated Michael's identity.

Honor's initial assumption, arising from
the official visit, was that Michael's body had finally
been found. Shortly after this, Frank received
a message from a family member that the police had been
in touch about something to do with Michael, and it was
also his initial reaction that his brother's body must
have been found. It was an intensely difficult time.

The Inquiry has acknowledged that the failure to
identify Frank as Michael's brother and to inform him
personally was an oversight.

The revelation of HN12's conduct has forever sullied
the family memories of Michael. From their perspective,
his identity was stolen and their memories permanently
tarnished. Particular affront has been caused by HN12's
commission of criminal offences in Michael Hartley's name, and by HN12 engaging in a sexual relationship using that identity. This has been exacerbated by the lack of information about the circumstances of HN12's deployment, the relationships he entered into and the criminality that resulted in his conviction in Michael's name.

The knowledge of the intrusion has caused family members to relive painful memories, and this has at times been unbearable. The trust they formerly placed in the police has been taken from them. And there have been adverse affects upon the family members' physical and mental health.

On 9 October 2018, the Inquiry made a restriction order in respect of HN12's real name. HN12 died in March 2018. The following information was provided in the Chair's minded to note dated 25 January 2018. And I quote:

"He was deployed into 2 left wing groups, successively, between 1982 and 1985. He was withdrawn when compromised. He was arrested for a minor offence, in his cover name, prosecuted and fined. He had a fleeting sexual encounter with a female activist. Otherwise, his deployment appears to have been unremarkable and to have given rise to no known
allegation of misconduct against him."

The risk assessment, a statement provided by HN12 in support of his application for a restriction order, has not been disclosed to Frank Bennett and Honor Robson. Nor have they received the gist of the information contained in those documents. From the family's perspective, HN12's illness and subsequent death are insufficient reason to protect his real identity from the accountability this Inquiry is intended to achieve.

Neil Martin died on 15 October 1969 at Bishop Aukland Hospital, County Durham, following a period of ill-health. He was six years old. He was born on 5 September 1963, and Neil was always smiling and laughing. Faith Mason was 16 years old when she gave birth to Neil. He was her first child.

At about 18 months, Neil began to suffer health problems and became severely disabled. Faith struggled to have her concerns in relation to his health taken seriously. The circumstances leading to Neil's death were traumatic in the extreme. They arose against a backdrop of Faith having been subjected to domestic violence and ultimately the abandonment of herself and her four small children.

While Faith struggled with these responsibilities and experiences, Neil became increasingly unwell and was
admitted to hospital, separating mother and son for many months in the period running up to his death. Faith was 22 years old when Neil passed away. She was left to bring up her remaining three children alone. She provided for them by undertaking heavy manual work at a local factory. She spent extended periods sitting by Neil's grave.

Faith was informed of HN122's appropriation of aspects of her son's identity by a letter from the Inquiry dated 8 January 2019. She found the information impossible to absorb, and at a subsequent meeting with the Inquiry team she found the information she was given incapable of belief. Her experience has been one of losing Neil all over again. She has lost sleep and she is preoccupied by distressing thoughts about what has occurred.

On 7 March 2018, the Chairman indicated that the Inquiry was minded not to permit the publication of HN122's real name but would refuse his application for restriction of his cover name. The following detail of his deployment was provided:

HN122 was deployed against two groups between the late 1980s and the early 1990s.

On 23 May 2018, the Chairman issued a further ruling confirming that HN122's real name could not be
published. The risk statement and statement provided by
the officer have not been disclosed to Faith, nor has
she received a gist of the information contained in
the documents, save for some brief details.

Insofar as it has been suggested that HN122 relies
on risks associated with "interference with public
life", Faith observes that from her perspective,
the possibility that HN122 has been or is now prominent
in public life points in favour of openness and
transparency, rather than against it.

Anthony Lewis was born on 13 May 1961 and he died on
31 July 1968 from sickle cell anaemia. He was seven
years old. He was survived by his mother, father and
his younger sister. Ms Lewis lives with her parents and
is their primary carer. They're both elderly and
experiencing health problems. They are both
octogenarians.

On 1 June 2019, Mr and Mrs Lewis received a letter
from the Inquiry team notifying them that their son's
identity and date of birth had been appropriated and
used by an SDS undercover officer known by
the cipher "HN78", who used the cover name "Anthony
'Bobby' Lewis". The revelation triggered very painful
memories for all the family members, as not only Anthony
but also their other daughter (sibling), Joan Lewis,
died of sickle cell anaemia at the age of 34. Both Mr and Mrs Lewis are carriers of the disease, and so they are particularly upset at the thought that the disease which killed two of their children may have been a factor in HN78 deciding to use Anthony's identity.

The family are appalled by what they have learned of HN78's deployment to date. They are distressed by the sad memories of the loss of Anthony that this has brought up, and they are struggling to process their feelings.

The Chairman's minded to note 6 and ruling of 22 March 2018 revealed that HN78 had "admitted to a relationship with a member of the opposite sex during the deployment", and "HN78 provided evidence to Mark Ellison's independent review of the Stephen Lawrence case".

On 22 January 2020, the Chairman ruled there would be no restriction order in respect of the real name of HN78, and the women who he had sexual relationships with, "Bea" and "Jenny", would be invited to say whether they would like to receive prior disclosure of his name. Given the profound intrusion upon their family life and grief, the Lewis family believe they should be afforded the same accommodation.
On 16 July 2019, the Inquiry confirmed that HN78 used the cover name "Anthony 'Bobby' Lewis", and that he was deployed into the Socialist Workers Party and the Anti-Nazi League. From the limited information the family currently have, it appears that Anthony's identity was appropriated by an undercover officer who infiltrated and spied on political activists and organisations involved in the Stephen Lawrence justice campaign.

Kevin John Crossland died on 1 September 1966, on a family holiday with his father Malcolm David Crossland, known as "David", and his mother and his sister. The family had travelled from Luton on Britannia Airways flight 105. The plane crashed at around midnight on its approach to an airport in northern Yugoslavia. Kevin was five-and-a-half years old, born on 5 March 1961.

98 of the 117 passengers and crew died in the accident, including Kevin's mother and sister. Kevin and his sister had been very happy children. Kevin had a love of football.

David survived the crash but with life changing injuries. Memories of the crash never left him and he suffered guilt at his own survival.

During his treatment in a London hospital, David met...
Liisa, who was involved in his nursing care. David's injuries included severe burns and multiple fractures. Following his discharge from hospital, David and Liisa developed a friendship, leading on 5 May 1968 to marriage, and Mark is the son of that marriage. David was diagnosed with cancer in May 2000 and passed away on 1 November 2001. Liisa and David were married for 33 years. And in that time, Liisa gained a deep understanding of the enormous impact that the loss of Kevin had had upon her husband. She carried the burden of this loss, the grief and the memories of Kevin long after David's passing.

On 27 June 2018, the Inquiry team attended Mark's home and provided him with a letter explaining the appropriation of Kevin's identity. It was unsettling that the Inquiry was aware of the personal biography of his family including the crash that had killed David -- sorry, that had killed Kevin, and that David had passed away. It became Mark's responsibility to inform Liisa. When he did so, Liisa was upset the Inquiry team had not contacted her directly, that she'd lived in the same house for 45 years.

Liisa and Mark attended a meeting with the Inquiry team on 18 July 2018. The team were apologetic, but they were unable to provide the information they sought.
The family did learn from the discussion that HN16 may have come to the area in which the Crossland family lived to observe. Liisa also learned that HN16's deployment occurred during the time David had been alive and battling cancer, and the information caused them considerable distress.

Liisa bears a weight of responsibility to obtain the truth of what occurred for her husband. She has been preoccupied with concerns that she and her family have been spied upon and anxieties as to the extent of the intrusion. The family has experienced disbelief and paranoia. The revelation of HN16's conduct has brought back buried memories that have at times been overwhelming.

The gist of a risk assessment relating to HN16, dated 10 November 2017, has been disclosed to Liisa and Mark. From this they learnt the officer faced a misconduct investigation -- the outcome was not revealed; that he was promoted to detective sergeant whilst in the SDS; that he had been arrested during his deployment; and that he had declined to indicate whether he entered into any relationships during his deployment.

On 5 December 2017, the Chairman ruled there would be a restriction order in respect of HN16's real name but not over his cover name.
Subsequently, in August 2018, HN16 admitted he had sexual relationships as an undercover officer with "Ellie" and with "Sarah", as you heard about this morning.

On 21 February 2019, the Inquiry revoked the order restricting publication of HN16's real name, and both "Ellie" and "Sarah" were informed of it in October 2018.

By letter dated 20 February 2020, the Inquiry declined Liisa and Mark's request to be informed of HN16's true identity. Explaining that generally the Inquiry does not publish real identities at this stage and the disclosure would "not serve any investigative purpose". Further, that the "moral right" of those who had a relationship with the undercover officer to know his true identity was the only exception to the process whereby the real name first appears in documents within the Inquiry hearing bundle.

Liisa and Mark are very upset by the Inquiry's continued denial of their moral right to know the true identity of the officer who appropriated Kevin's identity.

Whilst respecting, of course, the existence of that right in respect of the other victims of his wrongdoing, they believe the Inquiry has failed to give any adequate
explanation for the distinction that it has drawn.

Ms Barbara Shaw is now 80 years of age and was bereaved of her fifth child, Rod Richardson, when she was 32 years of age and Rod was only two days old. Born on 5 January 1973, Rod died at St George's Hospital, Tooting, two days later on 7 January. The causes of death were pneumonia, contributed to by prematurity and respiratory distress syndrome.

In the immediate aftermath of her baby's death, Barbara suffered depression and found herself engulfed by sadness. Rod was buried at Streatham Cemetery in Tooting. Barbara was not well enough to attend the funeral.

Two further children were born to Barbara and Mr Richardson following Rod's death, and accordingly Rod had a total of six siblings. Rod's father, Brian Richardson, passed away in 1983. Barbara remarried but was widowed in 2010.

On 4 January 2013, as I've mentioned earlier, Barbara was contacted by Paul Lewis of the guardian newspaper, and informed the identity of her son was believed to have been used by a police officer in connection with his undercover role. Barbara learned that a Rod Richardson had first appeared as an apparent radical anti-capitalist activist in 2000, based in
Nottingham, and had disappeared three years later, telling friends he was moving to Australia.

This Rod Richardson used the date of birth of Barbara's son. And she has since come to learn more about how undercover officers established their false persona by blending -- in this case blending aspects of her son's identity with the behaviours and purported opinions that the officer created.

This has caused her to feel profound emotional turmoil and anger. And Barbara bore the particular burden and responsibility of being the first person to be informed that her son's identity had been used as the covert identity for an undercover police officer.

On 15 December 2016, the Inquiry published a notice indicating EN32 had not sought a restriction order in respect of his use of Rod Richardson's identity as his cover name. As far as we are aware, no ruling has yet been made on his application for a restriction order in respect of his real name, though a minded to note dated 5 October 2018 indicated an intention not to reveal his real name.

Gordon Peters is now a septuagenarian, and was bereaved of his second child, Benjamin, when he was 35 years of age and Benjamin was just a week old. Benjamin's early death on 23 September 1979 followed
a traumatic birth and an extremely anxious week, in
which Gordon willed his baby's survival, notwithstanding
the knowledge that survival would entail profound brain
damage.

Gordon and his wife were obliged to formally
indicate their agreement to withdraw Benjamin's life
support. Gordon explains the grief has stayed with him
and will always remain with him.

Gordon and Benjamin's mother had three further
children, each of who also suffered premature and
traumatic births but survived. Gordon frequently
experiences thoughts of Benjamin and the loss of his
potential. He first became aware of the use of deceased
children's identities by undercover police officers in
about 2011. He was and remains appalled by this
practice.

On 18 September 2014, he wrote to the Metropolitan
Police, seeking to allay his concerns; alternatively,
for the use of his son's identity to be confirmed. He
has not, to this day, received a meaningful response.

RDCA is now 71 years of age, and was bereaved of her
child when he was 15 months old. In April 1971, she was
pushing his pushchair across a zebra crossing when
a vehicle careered cross the road causing his death.

RDCA suffered the emotional turmoil of attending an
inquest touching upon her baby's death and the finding
that he had been unlawfully killed.

The publicity in 2013 surrounding the use of
deceased children's identities caused her to worry that
her son's identity had been used. She was appalled by
the practice. So in July 2013, she wrote to
the Commissioner of the Metropolitan Police, seeking
confirmation as to whether or not her son's identity had
been appropriated in this way. She was surprised to
learn the police were unwilling to confirm the use of
her son's identity, or, alternatively, assuage her
concerns. The continuing uncertainty has made her feel
"quite sick", as she puts it.

Turning very briefly, sir, to the Inquiry's
procedure. We have already addressed the Inquiry's
ongoing failure to confirm how many of the publicly
released cover names involved the appropriation of
deceased children's identities, the protracted wait for
reassurance experienced by the category 3 families, and
our client's concerns about the restrictive approach
taken in relation to the release of officers' real
names.

In addition, my clients share the concerns
eloquenty expressed in the earlier openings from and on
behalf of non-state core participants as to
the procedural shortcomings displayed by the Inquiry so far.

In conclusion, sir, our clients seek a detailed public accounting for this abhorrent practice, including a formal record of how the practice was permitted to develop and continue, the full extent of the intrusion they suffered, and the culture that surrounded it, together with a detailed historical record of the wrong that has been done to them and the impact that it has had. They seek not only the learning of meaningful lessons, but the implementation of tangible protections against any future abuse, so that this can never again be permitted to become established policing practice.

Thank you, sir. That concludes my opening statement.

THE CHAIRMAN: Thank you, Ms Williams.

The shorthand writers now need a break. I am led to believe that they may manage this afternoon with only ten minutes. If that is so, we will resume at 4.50, with Ms Kaufmann on behalf of her second group of core participants.

Thank you.

MS PURSER: Thank you very much, everyone. We will now take a short break and we will resume at 4.50 pm.

(4.39 pm)
(A short break)

(4.50 pm)

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

Chairman.

THE CHAIRMAN: Thank you, Ms Kaufmann, you are now about, I think, to begin your submissions on behalf of your second group of core participants. May I say before you do that the ruling which led me to ask you to give an undertaking this morning, which you did give, should be published later on this afternoon.

Opening statement on behalf of Category H and J Core Participants by MS KAUFMANN

MS KAUFMANN: Thank you, sir.

Sir, I now appear again with Ruth Brander, and I'm representing John Burke-Monerville, Patricia Armani Da Silva and Marc Wadsworth, who are each core participants in the category of justice campaigns, and their solicitors are Birnberg Peirce.

In this opening statement I'm going to explain who my clients are and outline what they're seeking from the Inquiry, and also set out their concerns about its ability to get to the truth.

All three were involved in campaigns seeking answers and justice in respect of police violence, racism and
corruption. All three have reason to believe that they or their campaigns were subjected to undercover policing. They haven't been given any, or any satisfactory, explanation why or now, or for what length of time, they were spied on, who authorised it, or how the information gathered has been, or was intended to be, used.

They, like others from whom you have already heard, are very concerned about the number of justice campaigns who were similarly reported on by the SDS. And they're deeply sceptical about the explanation offered by the MPS to date that these groups were merely collateral intrusion: accidentally hoovered up in information gathered about other more dangerous groups.

Mr Burke-Monerville, Ms Armani Da Silva and Mr Wadsworth want answers in relation to their own cases, but they also want the Inquiry to confront the patterns that emerge from the repeated reporting on justice campaigns and the issues of institutional, structural and individual racism that underpin them.

It is really remarkable that the Metropolitan Police in their opening submissions made absolutely no mention of the issue of racism being the critical one for this Inquiry to address.

As I will detail later, Ms Armani Da Silva in
particular, as part of the Justice for Jean Charles de Menezes campaign, has first-hand experience of the critical significance of information and misinformation in shaping the public narrative about police action.

Given the clear benefit to the police of having information with which to undermine groups who are campaigning against police violence, against racism or corruption in the police, the Inquiry is asked to scrutinise very carefully and with a penetrating, sceptical gaze the purported explanation advanced by the Metropolitan Police for undercover reporting on justice campaigns. And the Inquiry is urged to examine the use to which any information gathered was or might have been put, and to assess the role that racism, both individual and institutional, played in the undercover policing of justice campaigns. And the chair is also asked to reflect and address his own unconscious biases.

I'm going to tell you about each of my clients.

Mr John Burke-Monerville is now 77 years old. He moved to England as a young teenager, where he intended St Bernard's Boys' Catholic School in Whitechapel. He was the only black child apart from one Asian boy. And unsurprisingly, it was very hard.

He left school at 17 and began to work. At 25 he
went to evening classes to study electronics, and then he went on to Waltham Forest College to study more electronics and maths. He successfully completed college and he then went on to an apprenticeship in Goldsmith Row, where he repaired electronic goods. It was hard work and it included evenings and weekends.

The day he finished, he borrowed money from his father and he took over J&S TV shop in London, E9, upon the retirement of the previous owner. And he ran that shop for 30 years, becoming very well known in the community, both because of his shop, but also for his love of music, because Mr Burke-Monerville has always sung ballads and soul music.

He's always worked hard and cared for his family. And now he should be enjoying his retirement with his wife, his children, his grandchildren, and indeed his great-grandchildren. But instead he finds himself in a public inquiry fighting to discover why he and his family were spied upon by the police.

On New Year's Eve 1986, one of his sons Trevor, who was then aged 19, was out with two of John's sisters when he disappeared from outside a nightclub in Stoke Newington, London. He was arrested. And the following day, he was found semiconscious in an unknown car. And he was then arrested again on
suspicion of criminal damage in respect of the car he
was found in, and he was taken to Stoke Newington police
station. While he was there, Mr Burke-Monerville
attended, searching for him. And he was told, falsely,
by the police that Trevor wasn't there.

In the early hours of 2 January, Trevor was taken by
police to the A&E department of Homerton Hospital. He
was returned to the police station shortly afterwards.
And at some point that day, he was restrained by six
officers, in order that his fingerprints could be taken
by force. He was then taken back to Homerton Hospital
at about 10 pm, and again discharged back to
Stoke Newington police station at midnight.

The following day, he was remanded from
the Magistrates' Court to Brixton Prison. And it's
understood that he was so unwell that he couldn't be
brought into court, so the magistrate had to go to
the cell to remand him.

When the family visited him in Brixton, he was
plainly very unwell. And on 4 January, he suffered
fits. On 6 January, he was transferred to
the Maudsley Hospital for an emergency operation on his
brain, requiring the removal of a blood clot. On that
day, the Crown Prosecution Service dropped all charges
against him.
The family and the local community began a campaign
to discover what had happened to Trevor between his
disappearance on 31 December 1986 and his admission to
the Maudsley Hospital six days later. Trevor never
recovered his memory of what had happened to him.
Doctors at the Maudsley had advised the family that his
memory was likely to return one day but it hadn't done
so by the time he was murdered on the streets near his
family home in March 1994. He was established 15 times
as he was making his way home from a friend's house.
No one has ever been brought to justice in connection
with his murder.

During the lifetime of the Justice for Trevor
Monerville Campaign, both Trevor and other members of
the Monerville family, including Mr Burke-Monerville's
then 79-year old father and 73-year old mother, were
subjected to harassment by the police.

In 1991, Mr Burke-Monerville's mother was arrested,
and she was then prosecuted for allegedly assaulting
a police officer. She was acquitted at trial and then
brought a successful action against the Metropolitan
Police for malicious prosecution.

Trevor found the harassment by the MPS so bad that
for a few years he moved to St Lucia in order to escape
it, but he had to return when his epilepsy, a condition
he had developed following his brain surgery, worsened.

In February 2013, another of Mr Burke-Monerville's sons, Joseph, was shot and killed on the streets of Hackney. This was by a suspected gang member. Joseph, when killed, was parked in a car with his twin brother Jonathan and their older brother David. David was also injured in the shooting.

The police quickly accepted that Joseph had been mistaken for a member of a local gang, and they confirmed that neither Joseph nor any of the family has any connection with gangs. In fact, at the time of this incident, Joseph and his twin brother Jonathan were studying crime scene and forensic science at the Metropolitan University in London.

Three individuals were due to stand trial in respect of Joseph's murder, but the prosecution was dropped days before the trial. An investigation conducted following the family's complaint about the police's handling of the criminal investigation concluded that there had been a number of failings, and to date no one has been brought to justice for Joseph's murder.

Tragically, on 19 June, a third son, David, was fatally stabbed outside his home in North London. Three men have been charged not with murder but with aggravated burglary in connection with his death.
The trial was due to commence in March of 2020, but when COVID descended, it had to be adjourned.

In 2014, while Mr Burke-Monerville was still grieving at the death of his son Joseph, he was contacted by Operation Herne and informed that they had information for him. In 2016, he was told that the Justice for Trevor Monerville campaign had been listed in the 1987 SDS Annual Report as one of the organisations that was directly penetrated or closely monitored during the year under review. He was granted core participant status in the Inquiry on 11 February of 2016. However, nearly five years on, and despite his commitment to participating in the Inquiry, and his participation as a claimant in two judicial review cases challenging the Inquiry process, he has not received any further information as to how, or why, the campaign to seek justice for his son was subject to undercover policing.

Like so many others, he has a profound need to discover the truth. He states:

"I feel a responsibility to my sons, myself, my family and my community to ensure that this Inquiry comes through with some sort of answers about why we were spied on by the police. We have not been told the truth by anybody in authority about anything all
along. I have no reason to be hopeful about this Inquiry. No one in authority has given me that. But I do remain hopeful. It is, though, my last hope and I am tired. I don't want my surviving children, grandchildren and great grandchildren to go through what we are going through."

Ms Armani Da Silva is the first cousin the Jean Charles de Menezes. Jean Charles is the Brazilian man who was shot and killed by police at Stockwell Underground Station on 22 July 2005 when he was mistaken for a suicide bomber. Ms Armani Da Silva has been involved in the Jean Charles de Menezes family campaign ever since his death.

At the time of the shooting, she had been sharing a flat with Jean Charles, together with another cousin, and she learned of his death when she was asked to attend Brixton police station on the day of the shooting.

The initial reporting, including by then Commissioner Sir Ian Blair, suggested that Jean Charles what the run through the ticket barrier, that he was wearing suspicious clothing and that he failed to stop when asked to do so. This gave the impression that Jean Charles was not an entirely innocent victim and appeared to mitigate the enormity of the police error.
This was greatly distressing to Jean Charles' family, because they knew it was highly unlikely he would have done anything wrong. It subsequently transpired that all of the early assertions about Jean Charles' behaviour were false. He hadn't run from the police, he had not failed to respond to a command and he wasn't wearing suspicious clothing.

Although the subsequent investigation by the then Independent Police Complaints Commission into how the misinformation came to be put into the public domain concluded that there was no evidence that the Commissioner or any other member of the Metropolitan Police Service had knowingly released or concurred in the release of false information, nonetheless, the IPCC concluded that -- and I quote:

"Once the MPS knew that Mr de Menezes was innocent on the morning of 23 July 2005 they should have refrained from publicly discussing the shooting until such time as the facts had been fully established.

Whilst the MPS admitted to having made a tragic mistake they continued to try to justify the shooting by referring to Mr de Menezes' own actions and clothing."

Despite subsequent widespread publication of the fact that the initial information about Jean Charles and his actions was false, the impression given in those
first hours following the shooting remains for many
the enduring narrative, and to this day, the family have
to correct the false impression that Jean Charles in
some way contributed to his own death.

And nor was this the only occasion on which
Jean Charles' family have cause for concern about
information being put into the public domain, they
believe by the police, in order to discredit
Jean Charles and deflect from the police's own failings.

On 11 March 2009 Harriet Wistrich,
Ms Armani Da Silva's solicitor, received a telephone
call from DI Paul Settle informing her that an article
was going to be published in the Sunday Mirror
the following day detailing a rape allegation that had
been made against Jean Charles by a woman who stated she
recognised him from a photograph that she had seen in
the media. Ms Wistrich's clear recollection is that
DI Settle gave the unambiguous impression that
the article was as the result of a police leak. It was
subsequently proved by DNA analysis that Jean Charles
was not the assailant.

The matter was investigated by the Metropolitan
Police's Directorate of Professional Standards under
the supervision of the IPCC and DI Settle denied having
told Ms Wistrich that the information had been leaked
from a police source. The journalist who had reported
on the allegation refused to reveal his source, and
the investigation into the leak concluded in the light
of the number of people who knew of the allegation,
including those outside the MPS, that further
investigation was unlikely to identify the source of
the leak.

So Ms Armani Da Silva cannot prove that the police
deliberately put false information about Jean Charles
into the public domain on these, or other occasions, for
example when it was reported that he was an illegal
immigrant. Nor is she aware of anything to suggest that
any of the false information that was published about
him came from an undercover source. However, for
Ms Armani Da Silva, there is a chilling parallel between
her experiences of misinformation being put into
the public domain about Jean Charles and the account
that Peter Francis has publicly given of SDS officers
being tasked with infiltrating justice campaigns in
order to source information with which to discredit
them.

This has always been denied by the MPS, but
Ms Armani Da Silva asks the Inquiry to seek out
the evidence of those involved in the justice campaigns
and consider whether there are common aspects of their
experiences which call into question those denials. It may not be possible for any one campaign, individually, to prove that information put into the public domain about them or their loved one was part of a deliberate attempt by the MPS to smear them, but if this is a common experience across many campaigns, then defences of accidental error, or denial of attribution, on the part of the MPS become more difficult to sustain. Likewise, if such a pattern were to emerge, it calls into question the suggestion that the collection of information about these campaigns was merely overzealous, "collateral" recording by undercover officers targeted against other groups, even if, as Operation Herne found, there is no evidence in the surviving documentation of explicit tasking -- and I shall come on to the lack of evidence in a moment. Whilst isolated instances of misinformation about the victims of police misconduct may be explained as breakdowns in communication, multiple instances of information about justice campaigns being covertly obtained and recorded must raise questions over ulterior motive, particularly in light of the allegations made by Peter Francis.

Ms Armani Da Silva learnt that information about the Jean Charles de Menezes family campaign had been
inappropriately gathered by the SDS when she and other
members of the de Menenzenes family and their campaign
were contacted by Operation Herne in 2014. They were
shown five redacted intelligence reports, and these
recorded information about individuals connected with,
or meetings of, the campaign, including references to
political views expressed by relatives of Jean Charles.
Ms Armani Da Silva was told by Operation Herne that she
could submit a Subject Access Request under the then
Data Protection Act 1998 or a Freedom of Information Act
request to the Metropolitan Police Service for further
information, and when she did, the Metropolitan Police
Service responded in February 2015 refusing to disclose
any further details.

Despite seeking actively to participate in
the Inquiry since October 2015 and, like
Mr Burke-Monerville, in two judicial reviews of
the process, she has not to date been provided with any
further information as to how or why the campaign for
justice for Jean Charles de Menezes was subject to
undercover police spying.

Mr Marc Wadsworth is a journalist, an author,
a historian and a campaigner. In 1991, he founded and
led the Anti-Racist Alliance. The ARA was Europe's
largest black-led anti-racist movement and it comprised
faith groups, civil organisations, MPs from all the main
dparties and trade unions. It has branches throughout
England, Scotland and Wales and had a high political and
media profile. It was often seen by the police and
other state bodies as a thorn in their side.

In 1993, Mr Wadsworth assisted the family of
Stephen Lawrence to set up their campaign for justice
and he introduced them to the lawyer Imran Khan QC.

Through his contacts in the African National Congress,
Mr Wadsworth facilitated a meeting between the Lawrence
family and Nelson Mandela, and he also introduced
the family to Archbishop Desmond Tutu who, like
Mr Mandela, was a Nobel prize winner.

Mr Wadsworth has also made DPA and FOI requests to
the MPS for disclosure of information they hold on him.
These requests — I don’t know whether the Inquiry can
hear that. Those are foxes in my back garden. I do
apologise. This is about the time when they come out.

These requests have been followed by requests from
his MP, Harriet Harman. However, all that has been
disclosed to date is a redacted document that appears to
be an intelligence report dated 2 May 1996 concerning
a planned ARA march in Central London and a report dated
27 May 1999 relating to a complaint made by Mr Wadsworth
to the police in respect of a threatening letter he had
received. The MPS has refused to either confirm or deny whether the ARA or its members were subjected to surveillance.

Mr Wadsworth was granted core participant status on 21 October of 2015. As with Mr Burke-Monerville and Ms Armani Da Silva, no further information has been disclosed to him as to whether and, if so and how or why, he, or the ARA, were subject to undercover policing.

All three of these core participants have an overwhelming need to know the truth, not just about how, why and by whom they were spied upon, but about the deeper systemic truths about the SDS. They want to know the truth about Peter Francis' allegations of the targeting of justice campaigns, and they want the racism inherent in the view of justice campaigns as troublemakers to be recognised and addressed.

In Mr Burke-Monerville's case, he additionally has a very personal need for the truth about his sons. He appreciates that the Inquiry's terms of reference are limited to the investigation of undercover policing and therefore, on their face, do not extend to investigating the wider circumstances of the murders of his sons, or the circumstances of Trevor's treatment in police custody. However, a core aspect of the Inquiry's remit
is to "examine the motivation for, and the scope of, undercover police operations in practice and their effect upon individuals in particular and the public in general".

The issue of racism as a motivation for some aspects of the SDS reporting and deployments must be at the heart of the Inquiry's investigation, including in respect of the "direct penetration" or "close monitoring" of the Justice for Trevor Monerville Campaign. That requires an investigation of the underlying circumstances of, at the very least, the treatment of Trevor by the police. At present there are two possible motivations:

The first, a desire to derail and discredit the campaign's attempts to bring to light racist police brutality and subsequent harassment, and that is what Mr Burke-Monerville fears.

Or, as the police have to date maintained, the targeting of "extreme" left-wing groups who are said to have infiltrated family justice campaigns, such as the Justice for Trevor Campaign.

It will be impossible for the Inquiry to assess where the truth lies in respect of these two competing motivations without considering the underlying circumstances. If it is right, as the family have
always suspected from the fragments they have been able
to piece together, that Trevor was restrained and
assaulted during his time in police custody, then that,
and the fact that the police have never been open about
their actions on that night, must raise a real question
about their motivations for subsequently infiltrating
the campaign that was trying to bring that brutality to
light. In other words, uncovering the underlying facts
of what happened to Trevor is an essential part of
testing the "collateral intrusion" narrative.

The third Operation Herne report identifies 17 black
justice campaigns that are mentioned in the SDS records
between 1970 and 2005. The concerns raised about
the police motivation for such repeated covert reporting
on campaigns aimed at exposing police violence and
misconduct are supported, as I've said, by
the allegations made by Peter Francis. These were first
aired in public by The Observer on 14 March 2010 when
Mr Francis alleged that the SDS had infiltrated black
justice campaigns and effectively thwarted their
activities. He said this:

"My presence in the groups made that justice harder
to obtain ... Once the SDS get into an organisation, it
is effectively finished."

And on 24 June of 2013, in an article in
The Guardian, he alleged that his superiors had wanted him to find "dirt" that could be used to undermine public sympathy for the family of Stephen Lawrence and their criticism of police failings in connection with the murder investigation.

And in a Channel 4 Dispatches programme, broadcast that same day, Mr Francis said -- and I quote:

"I was also asked, the same as all other campaigns, 'could I find out anything else that could be used to maybe get the public to not have as much sympathy for the Stephen Lawrence campaign as what it truly had?' 'Is there anything that police could possibly use through the media to start maybe tarring the campaign?' It means the amount of sympathy that that campaign can generate locally is going to be vastly diminished ... They wanted any intelligence that could have smeared the campaign, yes, there is this general remit ..."

In a live question and answer question on The Guardian website on 25 June of 2013, Mr Francis confirmed that similar practices had been adopted in respect of other justice campaigns:

"Gathering intelligence secretly about campaigns [he said], and then using that to potentially undermine them are separated, by a very thin line. Had I found out anything detrimental -- and newsworthy -- about
the Lawrence family, the police, using the media then, would have used that information to smear the family. My superiors were after any intelligence of that order. That was made very clear to me. But I would just like to clarify, the Lawrences were not unique in this. The same went for the other justice campaigns that I have already said I infiltrated ...

Despite this evidence, Operation Herne concluded that SDS reporting on black justice campaigns had been "collateral intrusion", occurring when potentially violent groups targeted by the SDS had aligned themselves with justice campaigns. It found -- I quote:

"No evidence of covert operations targeted against any of the respective families or justice campaigns."

The July 2014 Operation Herne report stressed -- and again I quote:

"The SDS and the covert operatives did not directly target such campaigns but became exposed to them as a result of the activities of the groups that they had infiltrated."

However, these conclusions, based on an absence of records evidencing direct targeting, made no reference to Operation Herne's findings in its March 2014 report that prior to the introduction of the national intelligence model, in about 2014:
"There was little [and again I quote] directed tasking, and requests were informal ... and ad hoc, and differed to current practices. Indeed 'direct tasking' was avoided on the grounds that it could compromise an operation."

And again I quote:

"Officers were provided with limited instruction and in effect left to make individual choices while operationally deployed."

This point was made by Mark Ellison in his report following his review of Peter Francis' allegations. I quote:

"In light of the limited records available, little weight could be attached to the absence of a record confirming an assertion made by an officer as being indicative of whether or not that assertion is correct."

Ellison found, in respect of the era that he was examining:

"In the 1992 to 1995 era [he said], specific operational tasking was usually communicated orally by an undercover officer's detective inspector."

Peter Francis appears to have told Ellison that he largely received his instructions through his Detective Chief Inspector N86 on the drive to work.

It's also a matter of common sense that if
undercover officers were being asked to be on the look
out for information that could be used to tarnish family
justice campaigns, it's unlikely that they would have
recorded any of that on the face of police records. In
other words, given the context, an absence of evidence
is not the same as evidence of absence.

All of this serves to underline the importance of
the Inquiry looking beyond the face of such police
documents as it is now able to retrieve and inquiring
carefully into the surrounding circumstances and making
assessments about the true, or one of the true
motivations for the targeting of justice campaigns, and
a critical part of that is listening to those like
Mr Burke-Monerville, the Jean Charles de Menezes family
and Marc Wadsworth who were part of the campaigns.

Mr Burke-Monerville, Ms Armani Da Silva and Mr Wadsworth share the concerns expressed by all of
the non-state core participants in relation to
the Inquiry's ability to get to the truth of
the circumstances -- sorry, to get to the truth in
circumstances where it has largely excluded non-state
individuals from effective participation: by restricting
cover names; by compartmentalising non-state
core participants into narrow categories of "direct
interest", determined by the Inquiry; and by holding, at
least, the initial hearings in circumstances where only
a tiny number of non-state core participants and members
of the public will be able to see and hear the evidence.

They also endorse everything said by Mr Ryder in his
opening statement about spying on justice campaigns.

And like the other non-state core participants
you've already heard from, my clients also wish to
address the Inquiry's lack of expertise and experience
in relation to racism and the risk that this presents to
the Inquiry being able to get to the truth. This is
a critical issue for them and for all those who were
spied on as part of justice campaigns. As mentioned
already, Mr Burke-Monerville and Ms Armani Da Silva were
both claimants in the judicial review of the then
Home Secretary's refusal to appoint a diverse panel to
sit with you, sir, to assist with this investigation,
and the issue is of such great importance to
the prospect of the Inquiry getting to the truth that
the remainder of this opening statement is devoted to
addressing it.

There can be few people nowadays, including in
the field of dispensing justice, who have not heard
the term "unconscious bias". It has become common
currency because of the compelling nature of an ever
increasing body of scientific research conducted over
the last several decades in the field of the mind sciences, especially the field of implicit social cognition. And this research has led to an appreciation and an understanding of the nature and processes of human perception, judgment and decision-making which have debunked negotiations of objectivity. It's shown instead the insistence and force of unconscious biases that drive how we frame our perceptions, how we make judgments and what we decide. These are "biases" because they refer to a systematic error in the thinking process. They're often connected to a "heuristic" -- a mental shortcut -- and are deployed subconsciously to make inferences and judgments. And this has been shown to be as true of legal decision-making as any other field of human endeavour and to impact upon a judge's fact-finding role.

Many different types of biases have been identified but some are of particular importance in relation to the issues of racial -- and I say in parenthesis -- I add in parenthesis -- (sexual) inequality (and political policing), all of which are central to this Inquiry. Of particular significance is what's known as "ingroup" bias, which leads us to shift standards in a direction that shields those with whom the decision-maker identifies, the "ingroup". There is
a move to shield that ingroup from ethical responsibility. In other words, we unfairly favour somebody from our own group. And ingroup bias is itself informed by the wider social and cultural forces at play, forces which, even from birth, develop and shape internal processes by which we make decisions.

Thus, while empathy has been shown by behavioural psychologists to be innate in babies as young as three-months old, they've also demonstrated how empathy narrows as a child grows and layers of identity start to develop, those layers shaped by outside forces. And as that happens the child becomes more selective and his or her empathy, based on whom they identify with most, narrows to the extent that they seek the punishment of those who don't share their identity. In other words, everything narrows in favour of the ingroup, which is itself identified by the dominant external forces. So where, therefore, society is structured according to a hierarchy of racism and prejudice, as ours unquestionably has been, for centuries, this strong external force will, from birth, influence and shape a person's attitudes and behaviour, both consciously and unconsciously.

The young age at which this interplay between external factors and subjective processes influences
human beings, and its potentially perverse effects, can be seen in the work of African American psychologists Kenneth and Mamie Clark. As far back as the 1940s they demonstrated that both black and white school children attributing positive qualities to white dolls and negative qualities to black dolls in their groundbreaking "doll-test", demonstrating bias in young children. And the poignant conclusion to the recordings was the realisation by black children that they too must be "ugly" or "bad" because they look like the black doll.

Another relevant bias is fundamental attribution error, and this is an error in our attempts to explain the causes of a person's behaviour by attributing it to internal enduring traits such as personality and ignoring situational factors. Coupled with the way in which our attribution of personal characteristics is itself already subject to, for example, racial or cultural bias or stereotyping, the error becomes compounded.

And then there is the "backfire effect" according to which our beliefs become strengthened in the face of challenge. The French psychiatrist Frantz Fanon in his seminal book "Black skin, white masks" spoke of it as the tendency to rationalise one's observations to fit
with one's pre-existing beliefs:

"Sometimes people hold a core belief that is very strong. When they are presented with evidence that works against that belief, the new evidence cannot be accepted. It would create a feeling that is extremely uncomfortable called cognitive dissonance. And because it is so important to protect the core belief, they will rationalise, ignore and even deny anything that doesn't fit in with the core belief."

This Inquiry is tasked with focusing on human behaviour. The behaviour of officers, the behaviour of those they spied upon. All of these biases, and others, are bound to impact upon the assessment of what happened and why it happened. But what is more, given your background and life experiences, sir, the ingroup is obviously the establishment, in this instance the police, tasked with protecting law and order. The non-state core participants represent the "outgroup" in multiple ways: the race of the family justice campaigns, the sex of the women who were deceived into intimate relationships and the politics of the campaigning groups. The potential impact of unconscious bias is manifold.

And this isn't a theoretical concern. You have steadfastly failed to recognise the risk of unconscious
bias. At a meeting with non-state core participants, including Mr Burke-Monerville, on 12 December of 2018, you were challenged by the core participants on your understanding of institutional sexism. You acknowledged a wish to be informed about this, but then you immediately rejected the suggestion that you might be assisted by a panel during the investigative stage of the Inquiry, responding:

"If the Home Secretary accepts my requests for a panel at the lessons learned stage, including institutional sexism, I will have a panel. As far as what happened, I have the approach of a historian. To look at the evidence and reach conclusions about what happened."

But that illustrates precisely a lack of awareness of how your background and life experiences shape the way you see the world. It suggests a belief that the fact-finding stage of the Inquiry can and will be an objective process unaffected by your own world view, including the unconscious biases which animate it.

Mr Wadsworth, himself a historian, whose latest book is "Comrade Sak Shapurji Saklatvalala MP: A political Biography", and who has recently produced the BBC television documentary, "Fighting for King and Empire: Britain's Caribbean heroes", has grave concerns
about this view of historical analysis as an objective process taking place from an Archimedean point, uninfected by the same cognitive distortions as affect the population in general, not shaped by the culture and society in which the historian was raised. He would highlight, for instance, the radically different perspectives on imperialism taken by academics such as David Starkey and Niall Ferguson, on the one hand, and William Dalrymple, David Olusoga and Mr Wadsworth himself on the other.

As the numerous studies referred to in the UCLA Law Review demonstrate, confidence in one's own objectivity is the most dangerous attitude to have, because if a fact-finder is unaware of how her own subconscious biases affect her perceptions of the facts, then she can't address them. I quote:

"Most judges view themselves as objective and especially talented at fair decision-making. For instance, Rachlinski et al found in one survey that 97% of judges (thirty-five out of thirty-six) believed they were in the top quartile in 'avoid[ing] racial prejudice in decision-making' relative to other judges attending the conference. That is, obviously, mathematically impossible ... Unfortunately, there is evidence that believing ourselves to be objective puts at us at
particular risk for behaving in ways that belie our self-conception."

Some of the key issues in this Inquiry are the extent to which racism and sexism -- conscious, unconscious, individual and institutional -- shaped the misuse of undercover policing. Another important issue is to examine the justification for undercover policing operations which targeted political groups including those which were not violent but were simply viewed by the state as unpopular or subversive.

Mr Burke-Monerville, Ms Armani Da Silva and Mr Wadsworth are concerned that your approach to date, sir, not only manifests a lack of self-awareness of your own subconscious biases but a corresponding lack of understanding of these issues. For example, when you met Mr Burke-Monerville on 29 April of 2019, you repeatedly made observations that suggest you broadly accept the police narrative that justice campaigns were "collateral intrusion". You said:

"Inevitably the target of the reporting was not the main campaign but the groups in the campaigning."

And when asked whether Special Branch could have been involved in the filming of the Justice for Trevor Campaign by police and whether this was linked to the police harassment of the family, you responded:
"[I] doubt that they would, they were seeking those creating greater harm."

As far as Mr Burke-Monerville is aware, you had not by that time studied the documents in relation to his case in any depth. But in any event, you certainly hadn't received any evidence from him, or anyone involved in the campaign, and in that context, it's concerning that you are starting from the assumption that the campaign was not deliberately targeted, one of the key issues that you're tasked with investigating.

At the previous meeting on 12 December of 2018, you also made a comment which, whilst very well-meaning and sympathetic, indicates a fundamental lack of insight into the issue of structural racism. Mr Burke-Monerville explained to you why he considers it important that you have assistance with understanding racism, and he said -- I quote:

"It is painful for me to read about my own children being killed. I read that you don't need a panel to help you understand racism properly. [But] you do not know much about racism. I get nervous talking about my children. [It's] not easy to get up every day and know that you've lost two sons."

And it must be remembered that this was before his third son was tragically killed.
I continue with the quote:

"You lose one, think you might cope and then it happens again. I hope you understand what I mean. I've read some of the comments that you made about racism. I think you need additional people to look at the evidence with you and to help you make decisions especially relating to racism. I would like to know why you think you can do this without help when you have no experience of racism and no discrimination training."

And you subsequently responded, likening Mr Burke-Monerville's experience loss during war, and you said this:

"No one can hear what you said without having respect and sympathy. The only comparable thing I can bring to mind is loss in war. I've seen in the French countryside names of 2 or 3 brothers appear together. Ghastly catastrophe. Your loss is at least as bad. I will do my level best to tell you what happened."

And as Mr Burke-Monerville pointed out in response, whilst well-meaning, the analogy with war time loss missed such a critical aspect of Mr Burke-Monerville's loss: that it didn't occur in conditions of war, but on the streets of London, where he and his family ought to be able to expect a reasonable level of protection and police investigations capable of identifying suspects
and bringing them to trial, but he doesn't have that because of the colour of his skin.

Mr Burke-Monerville responded:

"... I mentioned lost in war to make you realise that we are not at war now, so why should I suffer that loss. I am aware that most things I encounter on the streets come from people not caring. Not enough care in the world for people of my colour."

We give further examples in our written opening.

It's positive that you, sir, have undertaken some diversity training since these meetings took place. However, Mr Burke-Monerville, Ms Armani Da Silva and Mr Wadsworth are far from reassured that it is enough to enable you to begin from, at best, a standing start, to interrogate fairly and with a truly open mind the intensely complex issues that arise around institutional racism, sexism and other forms of implicit and structural bias that are, or ought to be, at the heart of this Inquiry.

As the UCLA research made clear, it is vital that legal decision-makers, including judges, are aware of and reflect on their own implicit and unconscious biases. Ridding ourselves of such biases is exceptionally difficult, which is why the non-state core participants have repeatedly argued for a diverse
panel at the fact-finding stage to redress the imbalance by providing a diversity of expertise and lived experience. Unsurprisingly, no doubt because of its neutralising effect on the impact of cognitive biases, diversity has been shown repeatedly to lead to better decision-making. A range of perspectives ensures that the biases, conscious and unconscious, of each decision-maker are more likely to be challenged and examined.

Finally, it is important to consider how the potential for unconscious bias to go unchallenged will be magnified in this Inquiry because so much of the police evidence will be heard behind closed doors, untested and unobserved by those who would will be able to bring a different perspective.

For all those reasons, Mr Burke-Monerville, Ms Armani Da Silva and Mr Wadsworth wish formally to record that they hold out little hope for this Inquiry's ability to get to the truth.

Sir, those are the submissions I wanted to make on behalf of my clients.

THE CHAIRMAN: Thank you.

It has been my privilege to meet Mr John Burke-Monerville on two occasions privately. Of all of those who participate in this Inquiry, he has by
far the heaviest cross to bear. I hope that he will not
take it amiss if I say publicly what I have said to him
privately. He has borne that cross with dignity and
with outward stoicism. I have told him, and I repeat
publicly now, that I will do my level best, imperfect
though it may be, to discover the truth about what
happened to him, as well as to a very large number of
other people. Notwithstanding the comments that you've
made, I hope that he finds a measure of reassurance in
that. Thank you.

We will resume at 10 o'clock tomorrow.

MS PURSER: Thank you, everyone. The opening statements
have now finished for the day. We will resume at 10 am
tomorrow.

(5.43 pm)

(The hearing adjourned until 10.00 am on Tuesday,
10 November 2020)
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Opening statement on behalf of Category H Core Participants
by MS KAUFMANN

Opening Statement on behalf of Category H Core Participants
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Opening statement on behalf of Category F Core Participants
by MS WILLIAMS

Opening statement on behalf of Category H and J Core
Participants by MS KAUFMANN