

Monday, 9 November 2020

(10.23 am)

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

1 whether I will give that undertaking?

2 THE CHAIRMAN: Your understanding is correct.

3 MS KAUFMANN: Okay, thank you, sir.

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

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

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

18 THE CHAIRMAN: You may find that person is me.

19 Opening statement on behalf of Category H Core Participants

20 by MS KAUFMANN

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

1 a close, long-term friendship.

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

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

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

24 In total, there are now more than 30 women who know
25 that they were deceived into such relationships by

1 undercover police officers spying on campaign groups.
2 Other women are represented separately in the Inquiry;
3 and you will hear from Heather Williams later this
4 afternoon in relation to her clients.

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

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

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

22 Most of the women who were deceived were involved to
23 some degree or other with political or campaigning
24 activities, activities challenging oppression,
25 challenging injustice, seeking a better, more

1 sustainable world. Such political freedom of speech and
2 protest, as others have said before me on behalf of
3 non-state core participants, but which it is vital to
4 repeat and drive home, is the bedrock of democratic
5 societies across the world. It's protected by both
6 international and domestic law.

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

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

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

1 such seriously abusive relationships.

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

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

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

24 The proportion of women used as objects in this way
25 hugely outnumbered the men. And women were inevitably

1 at risk of suffering so much more than men. Only women
2 could fall pregnant and give birth to the child of an
3 officer; only women could lose their childbearing years
4 to the manipulation of the state.

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

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

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

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

25 "Lizzie" met Mike Chitty, who she knew as

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

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

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

1 movement operating in London. Helen was 24 at the time.

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

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

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

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

21 Like "Bea", "Jenny" also met Bobby through her
22 involvement. She was also involved in the SWP and, in
23 addition, in the Anti-Nazi League. She met Bobby in
24 1992 and 1993, and they became very good friends. And
25 in 2005, Bobby told her that he was leaving for Spain.

1 And they spent an emotional last evening together at the
2 end of which they went to bed. She discovered in 2019
3 that he had been an undercover officer when she saw
4 a photograph of him on her friend's Facebook feed.

5 "Jessica" was only 19-years old in 1992 when she was
6 received into a relationship with Andy Davey. That
7 relationship continued for more than a year. They met
8 in the course of their involvement in London Boots
9 Animal Action demonstrations, and he told her he was 24.
10 In fact, Andy Davey is really Andy Coles and he was
11 32-years old and married at the time.

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

17 In 1995, "Alison" was a teacher. She began
18 a relationship with Mark Cassidy, who she had met
19 through her involvement in the Colin Roach Centre.
20 The relationship was extremely close and intense over
21 a five-year period. For most of that time they lived
22 together. Like Helen Steel, Alison spent many years
23 searching for the truth after Cassidy, really
24 Mark Jenner, a married undercover officer with two
25 children, suddenly disappeared.

1 "Monica" met "Jim Sutton", real name Jim Boyling, in
2 1996, through her involvement in Reclaim the Streets.
3 They began an intimate relationship in April 1997. It
4 lasted for about six months, but after it ended they
5 remained good friends for a couple of years.

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

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

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

17 In about 1997, "Wendy", who was involved in
18 the animal rights movement, met a fellow hunt sabber
19 named "James Straven". Over the following years,
20 Straven became one of her closest friends. She put in
21 a good word for him when, in late 1998, he expressed an
22 interest in "Sara", who had recently joined the hunt sab
23 group. And that good word seems to have borne fruit
24 because "Sara" and James then had an intimate
25 relationship for about two years, which ended as

1 a result of James' claim that he had difficulties in
2 maintaining intimate relationships for long periods
3 because of a traumatic set of childhood experiences.
4 Despite such protestations, however, shortly afterwards
5 he began a relationship with "Ellie", who he had met
6 through "Wendy". "Ellie" was only 21.

7 The relationship ended almost a year later when
8 James said he was moving abroad.

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

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

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

24 Between 2002 and 2004, Donna McLean had an intimate
25 relationship with Carlo Neri, whom she had met at an

1 anti-war demonstration. They lived together and he
2 proposed marriage. At the time of this relationship, he
3 was already married and he had a small child; and he had
4 a second child shortly after his relationship with Donna
5 ended.

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

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

18 "Lisa" met Kennedy through her involvement in
19 environmental and social justice activism; and she began
20 a relationship with Kennedy in late 2004. They went on
21 to have an intimate, committed relationship, that lasted
22 for six years. He was close to her family; he attended
23 her father's funeral. The relationship ended in
24 October 2010 when "Lisa" and others together with -- who
25 gave her help, uncovered Kennedy's true identity.

1 "Naomi" was also involved in environmental and
2 social justice campaigning when she met Kennedy in 2003,
3 and she began a relationship with him in 2005. It
4 lasted for about six months. And they, too, remained
5 close friends over the ensuing years, and they had two
6 more sexual encounters.

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

16 "Jane" was a very close friend of Kennedy's for
17 seven years; that is throughout the entire period of his
18 deployment as an undercover officer. She was the first
19 person he met on the activist scene when he arrived in
20 Nottingham. They had a few intimate encounters in late
21 2008, and thereafter they remained close friends until
22 his true identity was revealed in October 2010.

23 "Maya", whilst living in a housing cooperative in
24 Lewisham, met the undercover officer "Rob Harrison";
25 that's his cover name. She met him through neighbours

1 who were activists involved in anti-imperialism and
2 Palestinian solidarity. She began a relationship with
3 him in May 2006. It lasted for almost a year, when he
4 suddenly claimed that his mother was dying of cancer and
5 he needed to spend her final months with her. After he
6 left, he communicated intermittently. And then in
7 August of 2014 he contacted her again, and on his
8 invitation they met up.

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

15 In February of 2015, "Maya" and Rob slept together
16 for the first time since they had been separated in
17 2007, and they had unprotected sex, and "Maya" then had
18 to take emergency contraception the following day.
19 The same day, Rob disappeared; and with the exception of
20 one email sent to her in 2016, he has never contacted
21 "Maya" since. In March 2017 -- 2019, "Maya" learned
22 that Rob Harrison was an undercover officer.

23 I'm now going to tell you in detail about "Rosa", to
24 give you a deeper sense, as I said, of what the women
25 have been through. And also in response to the opening

1 statement on behalf of the officers represented by
2 Slater and Gordon, in which a point was made that one of
3 the women continued their relationship once they had
4 found out that the man that they had been involved with
5 was an undercover officer. They were referring to
6 "Rosa".

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

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

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

1 "Rosa" thought, too, that she had met her soulmate.

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

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

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

21 One day in May, out of the blue, Jim came only and
22 told "Rosa" that he needed to sort his head out and that
23 he planned to go travelling alone that September.
24 Despite being deeply hurt, "Rosa" accepted that, and she
25 accepted it was right for him to do this. Nevertheless,

1 at his instigation, they discussed their future
2 together, children and areas in which they'd settle on
3 his return. They left a week early for the Earth First!
4 gathering in Snowdonia in June 2000, again at his
5 suggestion, to travel through the country of her
6 family's heritage, to check out areas that they might
7 move to.

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

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

20 "Rosa" found this push and pull so hard that an old
21 university friend offered her to stay in Cyprus with
22 their family over the period that he was leaving. She
23 eventually called him just before he left, and he was
24 agitated, he had a heightened sense of security,
25 suggesting that she shouldn't have called him, and she

1 shouldn't have used somebody else's phone. He said he'd
2 call her from Turkey when she was home in London, and he
3 later did. He was distressed, he was unstable, he was
4 in tears, but claiming that he was so heartened by their
5 conversation and the fact she still loved him, and that
6 he would send a happier postcard that day, and he asked
7 if he could call her in a couple of days. He stated he
8 was about to hitchhike to Syria.

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

19 She tried to make contact with his family, but she
20 couldn't locate them. She tried to find him by other
21 means, including looking for his birth certificate for
22 clues, but she couldn't find any trace of him. And at
23 this point she called back to the Foreign Office, and
24 she said that he had been located, he was safe and well,
25 because she was terrified that he could be on the run

1 from the state and that she'd just told an arm of the
2 state where he was headed.

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

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

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

19 He subsequently sent a series of emails over
20 the course of 2000 and 2001 from this address. They
21 stated he was still in love with her, that he'd been
22 forced to leave her against his wishes, that he wasn't
23 acting freely and that he wasn't coping well, and that
24 he hoped they'd meet again. He advised her not to
25 discuss issues on the phone, not to tell anyone of their

1 contact, explaining that otherwise it would make it
2 difficult for him to contact her again.

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

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

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

1 about Jim that she travelled to South Africa where Jim's
2 emails had stated that he was.

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

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

19 She then found out through a contact that she'd
20 recently made in South Africa that Jim was accessing his
21 emails in England, so she immediately returned to
22 the UK. And on her return, she was unable to cope with
23 even simple things, like names of underground stations,
24 signs. She was so traumatised and she was suffering
25 from paranoia to the extent that she feared for her

1 life, due to the perception that an unknown entity was
2 trying to track her while she tracked him.

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

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

15 She researched the telephone numbers that she'd
16 called from Jim's mobile phone and was informed that
17 they were blocked, blocked government numbers with
18 attached security triggers. She nonetheless managed to
19 find the details of an address associated with one of
20 the numbers. And on 3 November 2001, she went to
21 the address. It was a small warehouse in Camberwell
22 with opaque barred windows. She sat outside recording
23 the number plates of the vehicles which appeared to be
24 associated with the premises. She didn't know this at
25 the time, but she had managed to find the premises out

1 of which the SDS operated. She did, however, work out
2 that the building was part of some kind of state
3 surveillance.

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

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

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

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

20 THE CHAIRMAN: Are you content to continue?

21 MS KAUFMANN: Sorry. So he -- yes.

22 So he told her his real name. But he said, however,
23 that he had, from the moment he had infiltrated
24 the groups, come to share their values. He told "Rosa"
25 he was very much in love with her and that he wanted to

1 continue their relationship. He claimed he'd tried to
2 protect his fellow activists, hiding information from
3 the police, undertaking actions that they didn't know
4 about, because it was what he stood for. He insisted he
5 was the only person placed in the movement, and that
6 he'd been placed in it for a political investigation,
7 insisting the movement was safe, but that he lived in
8 fear of his work finding out who he really was inside
9 politically, and that they'd destroy him if they found
10 out.

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

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

23 She moved in with him pending their departure. At
24 this point, it was just her and her rucksack. Within
25 two weeks, she was pregnant.

1 Jim insisted that "Rosa" destroy all records of her
2 activist past, claiming that they were at risk of being
3 aggressively raided by the police at any time because of
4 their relationship and them seeing that he had betrayed
5 them. He oversaw the disposal of all pages of her
6 address book, which contained contact details for all
7 her activist friends. And in January 2002, he pressured
8 her to change her name by deed poll, saying that
9 otherwise it wouldn't be safe for her to seek medical
10 help with her pregnancy. This erasure of "Rosa" we now
11 know was another attempt to isolate her, preventing
12 anyone from finding her.

13 Their first child, a daughter, was born in August of
14 2002. Despite continuing promises to leave the police,
15 Jim continued working for the Metropolitan Police
16 Service, eventually not undercover but in the Muslim
17 Contact Unit, where he worked alongside Bob Lambert.

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

22 On the first occasion, Jim had made them suddenly
23 hide behind a tent because he'd just seen another
24 undercover officer -- this was Jason Bishop. Where
25 previously he claimed there were no undercover officers

1 in the movement apart from him, this was the beginning
2 of Jim describing their old world as pitted with
3 undercover officers and private informants, warning
4 "Rosa" that she could not know who anyone was, and that
5 she would be picked up by his work's radar before she
6 got to speak to anyone.

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

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

20 While at that Kingston fair, "Rosa" was unable to
21 spot anyone who could safely pass that message on to
22 Helen. Jim told "Rosa" that she wouldn't be able to
23 contact Helen without his work knowing about it. He
24 said that Helen's movements were being monitored, and he
25 gave details of the contents of Helen's luggage that

1 she -- he said she didn't know had even been searched.
2 He referred to conversations picked up from phone taps
3 on another friend. So "Rosa" was stuck. She just
4 couldn't reach out.

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

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

17 Despite her increasing concern, Jim convinced her to
18 sign documentation at a registry office to marry him.
19 He claimed a lack of commitment on her part was stopping
20 him from turning his back on the police, from becoming
21 Jim Sutton, his real self. She didn't find this
22 credible, but she agreed to the marriage because if she
23 was wrong, all would be resolved; but if she was right,
24 her guilt for pulling the children from their home if
25 she ran from Boyling would be diminished. After

1 the marriage, the relationship became even more abusive.
2 "Rosa" moved into a caravan in Wales with the children
3 in an effort to make Jim keep his promise to finally
4 leave the police, and she took her birth name back
5 against his wishes.

6 In December of 2006, Jim and "Rosa's" daughter was
7 diagnosed with a rare, life-limiting, degenerative
8 disorder, which has a very poor prognosis. In January
9 2007, "Rosa" learnt that their son also suffers from
10 the same disorder.

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

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

19 On the occasion of Bob Lambert and Noel's visit,
20 Noel told "Rosa" to contact him if she had any concerns
21 about Jim's behaviour. But when she actually did so
22 subsequently, the conversation turned sinister. He made
23 it clear to her that should she ever speak out, it
24 wouldn't only be Jim's word against her's but the weight
25 of Special Branch also. She now believes that

1 the invitation to call was to set up an early warning
2 system as part of their attempt to contain her.

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

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

23 Having confided in this person, she wrote a letter
24 and asked for it to be passed to Helen Steel. And this
25 person did pass the letter on, and so word finally

1 reached the environmental movement and the wider world
2 that Jim had been a spy.

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

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

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

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

21 As part of the announcement of their finding,
22 the disciplinary panel read the contents of two files
23 that Boyling had submitted about her to his SDS
24 supervisors. He'd submitted the first just before he
25 moved her into his flat, and he referred to her as

1 a "significant organiser" of an event he was targeting,
2 and in the second, which was submitted in the heyday of
3 their relationship, he referred to her also as
4 a "political organiser".

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

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

22 Her two children born of the state operations
23 require 24-hour care on a more than one-to-one basis, so
24 they require live-in carers in addition to the full-time
25 support that she provides.

1 She feels a strong sense of injustice for the lack
2 of acknowledgement of the harm done to all of her
3 children's lives. For her older two, who, had they been
4 well, would have faced a lifetime of unimaginable
5 identity issues. As it is, having a degenerative
6 condition, their prime years were lost to isolation and
7 abuse, robbed of all that was their mother's to share
8 with them politically, socially, culturally. And since
9 then, they are left in a precarious care situation, with
10 only one family member to manage their high needs, with
11 the consequential loss of opportunities and integration
12 in the time they have left.

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

21 "Rosa" wonders to what extent the Inquiry has begun
22 to grasp the depth and the vast nature of
23 the ramifications of the state operations. This is
24 the truth about the relationship the Slater and Gordon
25 officers spoke of as being renewed after the truth of

1 the status of the officer was disclosed: a decade of
2 further deceit and abuse, ending in an escape to
3 a women's refuge.

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

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

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

24 The public first became aware of this scandal when
25 the story broke about Mark Kennedy in the media in

1 January 2011. And it was presented initially as an
2 extraordinary tale of a rogue agent, somebody who had
3 been inadequately supervised in his role as an
4 undercover police officer responsible for policing
5 environmental protest, and which had therefore enabled
6 him to have sexual relationships with a number of women.

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

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

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

25 "Lisa" came to learn about Jim Sutton because "Rosa"

1 had managed to get the message out to Helen in
2 the summer of 2010 that Jim had been an
3 undercover officer, and Helen had then told fellow
4 campaigners, who in turn had passed that information to
5 others, eventually reaching "Lisa".

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

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

23 But when she spoke to others about this, they all
24 told her that she was being completely paranoid and that
25 such a thing could never, ever happen in this country.

1 So this left Helen, for 18 years, in a state of
2 appalling uncertainty and mistrust. Mistrust in her
3 instincts and a fundamental mistrust in others. So to
4 finally learn the truth after 18 years was both utterly
5 devastating but also a spur for something to be done.

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

13 These women included "Rosa", "Lisa", Belinda and
14 "Alison". I mentioned "Alison" earlier as somebody who
15 had also undertaken extensive researches for her
16 ex-boyfriend. That was Mark Cassidy. And she, too, had
17 come close to finding out the truth. She'd talked about
18 Mark Cassidy's disappearance with Helen back in 2003.
19 So even though Mark Cassidy's name had not been
20 associated with being an undercover officer, it was
21 clear he was as well. And we've finally learned
22 the truth about that: he is Mark Jenner.

23 By the end of 2011, eight women had begun legal
24 proceedings against the Metropolitan Police Service in
25 respect of those intimate relationships that they'd been

1 deceived into having. Other cases were also brought by
2 other women, and Heather Williams represented some of
3 those.

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

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

18 Through speaking to one another and sharing their
19 experiences, the women have been able to identify
20 recognisable techniques and traits. I've touched on
21 some of those; I'm going to come into them in more
22 detail later. Those techniques and traits continue to
23 resurface. And this is one of the reasons why it is so
24 critical that the Inquiry should draw on their knowledge
25 and expertise, and indeed, on the knowledge and

1 expertise of all the non-state non-police
2 core participants, to aid with its investigation, not to
3 seek to compartmentalise their participation into
4 temporarily restricted categories, as it is doing at
5 present. It is by painstakingly piecing together
6 the many fragments of their experiences that these
7 important patterns and themes emerge.

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

12 Getting to the truth is also critically important to
13 enable them to move on with their lives. And this
14 necessarily includes understanding the wider systemic
15 issues of how these secret units developed and evolved
16 from the start. How the attitude towards sexual
17 relationships and using women came about. How knowledge
18 and techniques were shared. Who knew about the sexual
19 relationships. Who within the police sanctioned such
20 behaviour over so many years. Whether they were
21 condoned or encouraged. If not, why they weren't
22 stopped. Given the frequency with which they were
23 occurring, why weren't they stopped? The history of
24 surveillance of the women while they were searching for
25 missing partners. The development of containment

1 exercises when they were deemed to have found out too
2 much.

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

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

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

20 The strength of that need to know is illustrated by
21 the efforts of Kate Wilson in her pursuit of proceedings
22 in the Investigatory Powers Tribunal. Something I'm
23 going come to, again, in some detail later. She's
24 pursued those efforts notwithstanding the fact that
25 the Metropolitan Police has settled her common law

1 claims arising from the relationships that she had with
2 Mark Kennedy, and the other women who brought claims
3 against Kennedy were precluded by the terms of those
4 settlements from pursuing those claims in the IPT. And
5 for those who had relationships with Kennedy before 2000
6 there was no means by which they could pursue such
7 claims in the IPT. So Kate exemplifies that need for
8 the truth that resides in all the women. And in
9 a witness statement that she made in
10 the IPT proceedings, she said this:

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

15 "I still do not know after six years of litigation
16 in the High Court whether Mark Kennedy defied his
17 guidelines and supervisors and began to share his life
18 with me in a dangerous web of lies he told me, but also
19 his handlers. The alternative is a much harder reality:
20 my sexual violation and emotional manipulation were not
21 simply a negligent oversight by managers and
22 supervisors. They were considered tactical decisions in
23 the police's highly questionable battle against a
24 thousand or more political groups in this country and
25 abroad.

1 "I still don't know what the true story is. But over
2 the last six years new information and new perspectives
3 have emerged that have forced me to accept that it is
4 probably the latter narrative that is closer to the
5 truth."

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

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

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

1 relationship and direct manipulation of my political
2 activity."

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

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

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

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

23 It ought also to highlight, as one of the women has
24 described, that the truth in relation to undercover
25 policing is like an onion: that they are layers and

1 layers to peel away. And in order to get behind
2 the superficial, the partial truths, the Inquiry needs
3 the assistance of those who are able to critique
4 the police documents based on their own lived
5 experience.

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

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

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

22 On top of this, they likened their spying activities
23 to those of an MI5 officer infiltrating a terrorist
24 group. These were social and environmental campaigners,
25 not terrorists. But even if they had been, the use of

1 intimate relationships as a tactic has never been
2 prescribed by law, is inherently sexist, degrading and
3 inhuman. And as such, it is treatment that cannot be
4 justified in any circumstances.

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

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

24 This left them not only dealing with their own
25 sudden inexplicable and enormous loss, but also carrying

1 a huge burden of worry and fear about the welfare of
2 their lost partner. Having lost someone that they loved
3 because they were so seemingly perfect, that inevitably
4 bore on the women's able to forge later relationships.
5 And in some cases, the resulting difficulties were
6 compounded because the officers continued to make
7 sporadic contact.

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

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

18 "My partner [this is 'Lisa'] turned out to be
19 leading a double life, and was not in fact the person I
20 believed him to be at all, but the opposite in many
21 ways, and he was placed into my life to deceive me by an
22 employer who would inevitably one day pull him out.
23 Finding this out has broken my heart, devastated my life
24 and shattered my trust in people. It has also impacted
25 on my confidence in myself as a person worthy of such a

1 relationship, and in my ability to judge character. The
2 fact that this disregard for my mental health was
3 sanctioned by the state is a fact that I'm still
4 struggling to process ... As the most unbelievable thing
5 in the world turned out to be true, I had no solid
6 ground upon which to base my judgment of what was likely
7 or unlikely."

8 She said also:

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

12 And this is "Naomi":

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

20 This is "Sara":

21 "The impact has evolved over time. The knowledge has
22 annihilated the relationship I understood but it has
23 taken time, it didn't happen immediately ... The pain
24 has become deeper and more distressing as the
25 seriousness of the violation and the extent of the

1 betrayal sinks in. I can only describe it as layers of
2 an onion that keep peeling off the more that time passes
3 and other things come back into my mind about the
4 relationship, James, that this was sanctioned higher up
5 in the police, the complete invasion of my privacy. Now
6 I feel like my life is being invaded again and again and
7 again."

8 This is "Kate":

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

20 "Kate" again:

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

23 And "Monica":

24 "When I received the news, it felt like a slow
25 motion explosion. What I mean by that is the impact of

1 this news keeps hitting me in different ways over
2 a period of time, as though difference pieces of
3 the puzzle have fallen on the ground at different times
4 and in different places."

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

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

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

22 Nearly all of the women no longer feel able to
23 participate in political activity because of the fear of
24 being spied on. They've been stripped of the freedom to
25 manifest their political beliefs with others, a freedom

1 which for many was at the very core of their identities.
2 The ability to campaign for a better world was what gave
3 them hope for the future, and it's now gone.

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

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

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

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

24 Many of the women have had significant and
25 long-lasting difficulties with subsequent relationships,

1 because genuine partners have been compared with
2 the idealised relationship constructed by
3 the undercover officer; or, and sometimes and, because
4 their ability to trust has been completely shattered.

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

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

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

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

24 Bob Lambert went to visit Belinda's parents, her
25 sister and her grandmother in her care home. Her family

1 considered he was her life partner.

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

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

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

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

25 THE CHAIRMAN: Ms Kaufmann, would that be a convenient

1 moment at which to pause?

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

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

6 MS KAUFMANN: I'm grateful, sir.

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

9 (11.36 am)

10 (A short break)

11 (11.50 am)

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

14 Chairman.

15 THE CHAIRMAN: Thank you.

16 Ms Kaufmann, would you like to continue, please.

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

24 THE CHAIRMAN: I hadn't done so, so far. As it happens,
25 there is a certain amount of drilling going on in my

1 background, but I pressed the mute button, as I am able
2 to do and you are not.

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

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

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

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

22 It's clear, for example, that many
23 undercover officers knew about the intimate
24 relationships their colleagues were engaged in. For
25 example, Mark Kennedy brought two friends, "Vinnie" and

1 "Ed", they were called -- we presume they were
2 undercover officers. He brought them into the home
3 he shared with Jane. And he then tried to set Jane up,
4 and another housemate, with Vinnie. A perk of the job
5 perhaps? Or another example of using sex to gain entry
6 into the activist scene?

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

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

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

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

25 Even more compelling, though, is the common

1 methodology that the undercover officers deployed,
2 the methods by which the women were groomed, the methods
3 which dictated how the undercover officers conducted
4 the relationships, right through to the exit strategies,
5 which I've touched upon, that they used to bring
6 the relationships to an end. These demonstrate beyond
7 doubt the systematic and strategic nature of these
8 intimate relationships.

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

22 There's clear evidence that the officers would pass
23 information to each other in order to facilitate
24 mirroring. Some of the women have been able, in
25 retrospect, to identify whether one undercover officer

1 has fed personal information about her to a subsequent
2 undercover officer that has then been used to groom her
3 for a relationship.

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

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

20 Likewise, Rod Richardson knew both Kate and "Lisa"
21 well, and knew of "Lisa's" passion for climbing. It
22 can't have been a coincidence that Mark Kennedy, who
23 succeeded Richardson in infiltrating the Nottingham
24 group, turned up with a cover story of being a rope
25 access technician and a keen recreational climber and

1 mountaineer who wanted to be near Stanage Edge.

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

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

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

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

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

1 11 years old. And according to Peter Francis,
2 undercover officers were trained to go into the field by
3 the cohort who had just been deployed. Mark Jenner was
4 enjoyed after Andy Coles. And so the obvious question
5 arises as to whether Andy Coles worked with Mark Jenner
6 to build his legend.

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

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

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

25 Donna tells of the intensity of her relationship

1 with Carlo:

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

8 John Dines was equally demonstrative and romantic
9 with Helen:

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

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

23 For example, John Dines told Helen that his dad was
24 not his real dad, that his mum had never loved him, that
25 he threw all his mum's jewellery in the river, and that

1 his mother had physically abused him, including slashing
2 him with a knife. He said the only thought -- the only
3 person he thought had ever really cared for him had left
4 him -- this was his ex-girlfriend -- and that this was
5 why he never trusted that Helen would not abandon him,
6 leaving him alone again in the world.

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

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

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

20 But this isn't anything new; it is more of the same.
21 This is what the MPS has been doing from the outset,
22 from the moment it was forced to engage with the civil
23 claims brought by the eight women -- by eight of
24 the women; and it is continuing to this day. Not just
25 in relation to the Inquiry, but in relation to

1 Kate Wilson's IPT claim, which is still going on.

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

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

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

23 If the Inquiry is serious in its pursuit of
24 the truth, it must, must enable the other side of
25 the story to be heard. And this requires disclosure to

1 be made -- not merely in fragmented categories, but so
2 as to enable those affected to identify patterns and
3 themes, and to be in a position to raise relevant points
4 on which to test the evidence. And of particular
5 importance is the release to the women of their personal
6 pink or registry files held by Special Branch, since
7 only they will be able to spot the information in there
8 which was used or collated in the course of
9 the undercover officer's deceptive relationship.

10 So, turning to the history of the civil litigation.
11 It began in October 2011 in relation to three women who
12 brought a claim against Mark Kennedy. And because this
13 was a claim that arose out of events taking place after
14 2000, they were able to claim both at common law and
15 under the Human Rights Act.

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

24 Now, that tribunal, the Investigatory Powers
25 Tribunal, is one which historically had operated almost

1 entirely in secret, leaving those who made a complaint
2 to it utterly in the dark as to what material was being
3 considered, or the basis of any finding upholding or
4 dismissing their complaint. In other words, what
5 the MPS were trying to do was to have the whole case
6 dealt with in secret.

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

19 Now, the attempts to have the claim determined in
20 the IPT failed, and the Court of Appeal ultimately held
21 that yes, the Human Rights Act claims had to be
22 determined in the IPT, but the common law claims were
23 going to continue in the High Court. And so next what
24 the MPS did was to seek to strike out both sets of
25 proceedings on the ground that it could not defend them

1 because it could neither confirm nor deny anything about
2 them.

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

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

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

1 their defence.

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

22 So, the next option for the MPS was to try to get
23 out of the proceedings as quickly as they could. So
24 they made what's called a "Part 36 offer"; they offered
25 to pay damages. Which is the only thing that

1 effectively one can get through a civil claim. It
2 wasn't accepted, so they next invited mediation to take
3 place. And that took place in December of 2014 for
4 the women whose claims related to events before 2000.
5 And then there was a further mediation in June of 2015
6 in relation to those who had had relationships with
7 Kennedy.

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

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

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

25 But, in summary, its terms accepted that

1 the behaviour of a number of police officers working for
2 the SDS and the NPOIU had been totally unacceptable, and
3 described the relationships with the women as "abusive,
4 deceitful, manipulative and wrong". And they were also
5 accepted to be a violation of the women's human rights
6 and an abuse of power.

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

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

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

24 I also note that the Designated Lawyer's Officers
25 appeared, too, to suggest that casual sexual encounters

1 are justifiable; again contradicting the stated position
2 of the Metropolitan Police Service in its apology.

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

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

19 Now, in the IPT, the MPS has continued to seek to
20 avoid disclosure at all costs, exactly as it did in
21 the High Court. First of all, it sought to strike
22 the claim out completely, on the basis that it was out
23 of time. And then it made a number of admissions,
24 hoping that this will be enough to prevent -- either to
25 get the claim stopped, or to avoid the need for

1 disclosure. But when that failed, it then withdrew some
2 of the admissions. Although, the admission that
3 the sexual relationship amounted to inhuman and
4 degrading treatment in breach of Article 3 is one that
5 remains.

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

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

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

23 Now, as I noted, when the attempts to avoid
24 disclosure failed, the MPS then served a further amended
25 defence which withdrew some of the admissions it had

1 made. Included in that withdrawal was that anyone other
2 than Kennedy's principal cover officer knew or ought to
3 have known about the relationship and that there were
4 systematic failings. So that whole acquiescence
5 admission went.

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

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

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

24 Firstly, it has become clear that the documents
25 present very significant difficulties for any legal team

1 or witness who is trying to interpret the material if
2 they weren't involved in the events at the time.

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

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

15 Ms Wilson, on the other hand, has been able to
16 identify examples of unauthorised overseas deployments,
17 significant misrepresentation of groups and individuals
18 and extremely inaccurate reporting of events, as well as
19 major failures in the authorisation process and in
20 oversight and management. In addition, evidence that
21 senior officers must have been aware of
22 the relationship. Sexist attitudes and political
23 prejudices are evident throughout the material. And as
24 Ms Wilson stated in her submissions to the tribunal,
25 the defendant appears to have adopted a "thought crime"

1 approach to breaching people's rights, repeatedly
2 stating that anyone they considered to be a "like-minded
3 individual" was a legitimate target, and that as
4 a consequence, the risk of collateral intrusion was low.

5 One authorisation goes so far as to say:

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

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

13 Finally, and as a direct result of that disclosure
14 process, the police are now admitting that not only
15 Mark Kennedy and his principal cover officer, but also
16 Jim Boyling, Jason Bishop, Rod Richardson, Lynn Watson
17 and Marco Jacobs all violated Kate's Article 8 right to
18 privacy. The police had spent three years robustly
19 resisting any investigation of the facts of those
20 Article 8 breaches on the grounds that they were in
21 significant, before it finally made that admission. And
22 David Perry, who was counsel to the MPS and the NPCC in
23 the IPT, described the facts underlying the admission as
24 "ugly", however, the specific basis for the sudden
25 change of position hasn't yet been explained to Kate.

1 But it should be noted that the contact Ms Wilson had
2 with these other officers was not intimate or sexual.
3 So, far from being insignificant therefore, this
4 admission has implications for hundreds of other
5 individuals who were subject to similar disproportionate
6 interference with their Article 8 rights.

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

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

25 Finally, as a result of the refusal of the vast

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

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

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

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

23 Their need for answers is no less burning now than
24 it was when they first suspected or learned the truth.
25 They need answers about what was done to them and why;

1 who authorised, condoned or acquiesced in it; who knew
2 about it; what information was shared and recorded about
3 them; and what will be done to stop it happening to
4 others.

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

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

23 This need has been recognised repeatedly by many of
24 the psychiatrists and psychologists who have assessed
25 the women over the years since the scandal broke.

1 Dr Brock Chisholm, a chartered clinical psychologist,
2 wrote as far back in February 2013, in respect of
3 the recommended treatment and prognosis for
4 the significant psychiatric injuries caused to "Alison"
5 by her relationship with Mark Jenner:

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

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

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

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

24 "The lack of disclosure has left [Kate] with
25 numerous unanswered questions, many related to her own

1 identity and self-esteem: whether or not she was
2 targeted; whether or not her relationship with Mark was
3 closely monitored; to what extent their relationship and
4 the things they did together were determined by the
5 Metropolitan Police. In the absence of these answers,
6 [Kate] is left ruminating and imagining possible
7 scenarios, resulting in an inability to move on from
8 this and a tendency (due to her [psychiatric injury]) to
9 imagine the worst case scenarios, which can in turn
10 exacerbate her psychological difficulties."

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

24 I note at this point the self pity voiced on behalf
25 of Jim Boyling by Mr Whittam in his opening statement

1 that a complaint of rape was made against him. Now,
2 whether or not the law labels as "rape" intercourse
3 which my clients did not consent to because it was based
4 on a fundamental deception as to who the person was that
5 they were having sex with, they experienced the profound
6 violation of their bodies that took place as rape. So
7 Jim Boyling and all the other officers should stop
8 feeling this disgusting self pity. Instead, they should
9 feel exceedingly lucky that the criminal law appears to
10 view rape through such a profoundly male-centred gaze.

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

20 The women have waited for over five years and,
21 barring the heavily redacted Tradecraft Manual, they've
22 received no significant disclosure. They've repeatedly
23 requested it and particular of their personal files, in
24 order they can begin the process of grappling with what
25 is or isn't in them. But they've been told that this is

1 an "unhelpful distraction" from the work of the Inquiry.
2 A response that the women find deeply insulting and
3 insensitive.

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

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

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

25 And this matters greatly, because, as I've said,

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

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

17 It's a complex issue. It requires an exploration
18 not just of the mindset of the men involved in
19 the undercover units but also of the institutional
20 culture that developed and operated and how the two
21 interrelated. But that explanation doesn't take place
22 in a vacuum. The assessment of evidence, especially
23 the testimony of witnesses, that depends upon evaluation
24 and judgment, both of which are profoundly influenced by
25 a tapestry of experience and belief which are not

1 objective. And that subjectivity affects not only
2 the assessment of whether what the witness describes
3 discloses sexism, but also of the credibility of
4 the witness themselves.

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

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

24 Your background is typical of the higher judiciary.
25 Like many High Court, Court of Appeal, Supreme Court

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

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

25 And from the stark contrast between the time taken

1 by the Inquiry and the care shown for the privacy and
2 concerns of former undercover officers as compared with
3 the lack of time taken and the lack of care shown for
4 the same interests and concerns of the non-state
5 core participants.

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

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

19 You should be open to the possibility that others
20 with different life experiences might be able to see
21 things that you simply cannot; and that adding these
22 different perspectives to the mix might help the Inquiry
23 to get to the truth. Openness to the possibility is all
24 the more urgent in this Inquiry precisely because of
25 the one-sided, untestable accounts that will inevitably

1 be received from the police because of the restriction
2 orders granted to the officers, because of the fact they
3 will be giving evidence in secret.

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

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

25 For those women who haven't been able to pursue

1 a remedy in the civil courts, this Inquiry is the only
2 available avenue of redress for them. For those women
3 who were deceived by Mark Kennedy, they've had to go
4 through the stress of preparing this opening statement
5 in the lead-up to the 10-year anniversary of their
6 discovery about the truth that occurred on 21 October.
7 This just underscores how long it has taken to get to
8 this point.

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

17 At the outcome of this Inquiry and to make sure this
18 never happens again, they seek a recommendation:
19 firstly, that the law is changed to prohibit
20 undercover officers from engaging in intimate sexual
21 relationships while in their undercover persona; that
22 the police be required to suspend an officer and inform
23 anyone deceived into a relationship with him as soon as
24 they become aware of the relationship; and an end to
25 the infiltration of campaign groups.

1 (1.00 pm)

2 (Hearing In Private)

3 (The short adjournment)

4 (2.15 pm)

5 MS PURSER: Good afternoon, everyone, and welcome to

6 the sixth day of opening statements of

7 the Undercover Policing Inquiry.

8 As a reminder to those of you in the virtual hearing

9 room, please turn off both your camera and microphone

10 until you are invited to speak by the Chairman. I will

11 now hand over to our Chairman, Sir John Mitting, to

12 continue proceedings.

13 Chairman.

14 THE CHAIRMAN: Thank you.

15 Ms Williams, it is now your turn to make an oral

16 opening statement on behalf of a group of

17 core participants. As you know, I conducted a hearing

18 earlier today in which I indicated that I would request

19 an undertaking from those making open oral statements

20 not to mention the real name of HN104, Carlo Neri.

21 Are you willing to give that undertaking?

22 MS WILLIAMS: I am, sir.

23 THE CHAIRMAN: Thank you. Then please proceed.

24 Opening Statement on behalf of Category H Core Participants

25 by MS WILLIAMS

1 MS WILLIAMS: Thank you very much.

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

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

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

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

1 the Socialist Party.

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

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

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

21 This statement is also made on behalf of TBS, whose
22 mother "Jacqui" had a long-term sexual relationship with
23 Bob Lambert, another SDS officer who you've already
24 heard about. He was posing at the time as an animal
25 rights activist under the cover name "Bob Robinson".

1 Born in September 1985, TBS is Bob Lambert's son, who he
2 abandoned when he disappeared in late 1988.

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

10 As the second Operation Herne report of March 2014
11 concluded -- and I quote:

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

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

23 "... there are some lines that police officers must
24 not cross ... In particular it is unacceptable that a
25 child should be brought into the world as a result of

1 such a relationship and this must never be allowed to
2 happen again. We recommend that future guidance on
3 undercover operations should make this clear beyond
4 doubt."

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

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

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

23 By contrast, Mr Whittam, speaking for the 12 former
24 and serving officers represented by Slater and Gordon,
25 which includes in that cohort two officers who deceived

1 and mistreated my clients, he gave no such
2 acknowledgement. Instead he tried to downplay, deny and
3 dismiss the wrongdoing. That officers should still take
4 this grossly insensitive stance after all they have put
5 their victims through is nothing short of disgraceful
6 and perhaps says rather more about them than they appear
7 to realise.

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

16 As well as distilling the common themes that emerge
17 from the personal experiences of our clients, I will
18 identify a series of questions that preoccupy them,
19 including why this abhorrent practice was permitted to
20 develop and continue, at what level of seniority
21 the practice was authorised and tolerated, and
22 the extent to which the entirely foreseeable damage they
23 have suffered was actually foreseen at the time, or
24 were they simply disregarded as expendable collateral
25 damage.

1 Those who have been the victims of this fundamental
2 deceit are compelled to participate in this Inquiry.
3 They're driven by a strong sense of responsibility to
4 those whose lives have been intruded upon without
5 legitimate justification, and to the new generation of
6 activists protesting around climate change and racial
7 injustice, to ensure they are not subject to similar
8 illegitimate intrusion.

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

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

22 This Inquiry, sir, must respect their commitment,
23 and must hold police officers to account for their
24 improper discharge of public functions. It must not
25 allow its task to be overwhelmed by ingrained practices

1 within undercover policing of protecting their own from
2 legitimate exposure and attendant accountability.

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

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

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

21 The first few months of their relationship were for
22 "Lindsey" a fun and sociable time. Carlo's cover story
23 included working as a locksmith in North London, and
24 having a group of friends from work with who he played
25 football. Carlo told "Lindsey" he had a son from

1 a short previous relationship who he had not seen since
2 he was a baby, and this confidence appeared to tighten
3 their bond.

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

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

20 In September 2015, an activist friend mentioned to
21 "Lindsey" there were doubts over Carlo's authenticity.
22 At first she couldn't believe these concerns were
23 justified. However, in October 2015, she learnt there
24 was evidence that Carlo was in fact an
25 undercover officer.

1 "Lindsey" went into a state of shock. She suffered
2 sleeplessness. She played over her recollections of
3 the relationship. She suffered feelings of anger and
4 vulnerability. She questioned her own judgment and
5 suffered intense embarrassment. She dwelt on other past
6 friendships and associations, questioning the motives
7 and the genuineness of many people. Ultimately,
8 "Lindsey" feels deceived and made a fool of.

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

17 I turn next to Sarah Hampton.

18 Sarah is an activist who has been active in
19 environmental politics for many years. She was already
20 vulnerable in the areas of trust and relationships when
21 she met the man that she knew as "Mark Stone". She went
22 on to have an intimate relationship with him in 2005 for
23 about a year. Mark Kennedy, for that was his real
24 identity, presented as a deeply committed and moral
25 activist, who shared her political convictions. Sarah

1 would not have consented to the sexual element of their
2 relationship but for those misrepresentations.

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

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

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

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

21 He presented to her as open and vulnerable. He
22 would cry and tell Sarah he was scared. On one
23 occasion, at the G8 demonstrations in Edinburgh, Sarah
24 was detained for longer than others, isolated,
25 questioned and photographed by police. Afterwards, she

1 was tearful, and she was consoled by Kennedy, who stayed
2 in her tent that night. Now, she is preoccupied by this
3 image, and the fact that she was being consoled by
4 a police officer, who may in fact well have been
5 responsible for that detention.

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

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

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

24 Sarah sued the Commissioner of the Metropolitan
25 Police, who settled her claim, as I've mentioned, in

1 2017, upon payment of a substantial sum of money and an
2 apology. And the apology included the following:

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

6 Further, that what had occurred was:

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

9 The Metropolitan Police recognised:

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

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

15 EN1, under the cover name "Marco Jacobs", met
16 Tom Fowler in about 2004 and began attending
17 CAN meetings in 2005. He moved to the Cardiff area in
18 2006. EN1 told "AJA", "ARB" and Tom that he was a truck
19 driver from Northampton who had previously lived in
20 Brighton. He told them he separated from his previous
21 partner because she had physically abused him.

22 He purported to share their political beliefs. He
23 integrated himself into the group, volunteering to
24 undertake administrative tasks. He made derisory and
25 offensive marks about other members of the group, and

1 sought to cause conflict and disruption amongst them.

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

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

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

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

22 "AJA" met EN1 in about 2005, and what she believed
23 to be a close friendship developed quickly. She trusted
24 EN1, and she confided in him, telling him about a number
25 of sensitive personal topics that normally she would not

1 discuss with anyone. She loved Marco Jacobs, and he
2 became the person she trusted most in the whole world.
3 And he would have seen how heavily she had come to rely
4 on him.

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

10 "AJA" would never have consented to this had she
11 understood -- had she not understood and believed they
12 shared a political perspective. Over the next few
13 weeks, they spent a lot of time together as a couple.
14 Suddenly, EN1 telephoned "AJA" and told her he could not
15 continue the relationship because of their age
16 difference. "AJA" was 26 years old, EN1 told her he was
17 41 years of age. She was hurt and upset.

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

23 But then, upon learning that he was in fact an
24 undercover officer, "AJA" felt extremely betrayed and
25 violated, both in terms of the sexual and the emotional

1 relationship she believed had existed between them. She
2 was physically sick and she felt angry initially, then
3 distressed; and she remains plagued by intrusive
4 recollections, and a loss of self-worth at having been
5 taken in by him. She lost confidence in her own
6 attractiveness, and the revolting thoughts of what EN1
7 did to her are present every day.

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

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

19 I come on then to "ARB".

20 She first met EN1 at a CAN meeting in 2005 when she
21 was 26 years of age. She got the impression he was
22 attracted to her and she found him to be warm, funny and
23 attentive. They became close friends and he would often
24 meet her for a drink after her work. EN1 also met
25 "ARB's" parents on a number of occasions. He had a pint

1 with "ARB's" father when he was visiting Cardiff for
2 cancer treatment. And on another occasion he comforted
3 "ARB's" mother when she confided in him regarding
4 the extent of her husband's illness.

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

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

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

22 Later in 2008, EN1 initiated a sexual relationship
23 with "ARB", telling her he loved her. She felt guilt
24 and shame at having been unfaithful to Tom. "ARB" and
25 EN1 slept together on further occasions, and "ARB" split

1 up with Tom. But she did so anticipating a genuine
2 relationship with the man she knew as "Marco Jacobs".
3 But then he seemed to lose interest in her and said they
4 should just be friends. "ARB" accused him of
5 deliberately misleading her about his feelings, and
6 the relationship ended and they saw much less of each
7 other.

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

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

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

1 social care.

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

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

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

20 When he learned that Marco was in fact an undercover
21 police officer paid to target him and his friends, Tom
22 was shocked and frightened. He felt the whole time he
23 had known Marco had been a lie. He felt betrayed, hurt
24 and angry by the false friendship that EN1 had formed
25 with him, and how the officer had caused him to reveal

1 deeply personal information he would not have shared had
2 he known the truth.

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

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

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

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

23 Continuing in his false persona as Bob Robinson, he
24 purported to fulfil a father's role in the early years
25 of "TBS's" life. They lived in the same house as an

1 ostensible family unit until 1987. And after
2 the relationship with his mother ended, Bob Robinson
3 continued to visit his son until his abrupt departure
4 the following year.

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

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

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

21 Thus was Bob Lambert's cover story perpetuated.

22 "TBS" was not aware of the identity of his
23 biological father until the sudden death of his
24 stepfather when he was eight years old. In
25 the aftermath of that bereavement, "TBS" asked about his

1 biological dad and wanted to see him. So "TBS's" mother
2 redoubled her efforts to try and trace him and
3 encouraged the Child Support Agency, the "CSA" as I will
4 refer to them, to assist her in finding him. The CSA
5 reverted, confirming again that "TBS's" father was
6 a wanted man and on the run.

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

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

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

22 The lost years can never be returned to him, but he
23 is preoccupied with the fact that the Metropolitan
24 Police were apparently prepared to let him go his whole
25 life without learning the truth, and without having

1 the opportunity to get to know his father. And although
2 he now values the relationship with his father, he is
3 deeply troubled by the fact he was conceived through
4 a deceitful act which has greatly impacted upon his
5 mother.

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

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

19 "... for the Metropolitan Police's role in the
20 circumstances that led to your father's relationship as
21 an UCO, with your mother, which culminated, years later,
22 in the realisation that what you had been led to believe
23 about your father and your home life and the reasons
24 given by your father for leaving the family home were
25 based on a fundamental deceit."

1 I turn now to some of the common themes from
2 the personal narratives of my clients. And of course,
3 and unsurprisingly, they strongly echo those identified
4 by Ms Kaufmann this morning; itself indicative of
5 the centrality and the sustained nature of this
6 appalling conduct.

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

17 In addition to the pervading sense of violation and
18 loss of dignity, those who experienced this deceit have
19 all felt a consequential paranoia, an insecurity that
20 has permeated every aspect of their private and personal
21 lives. They've lost confidence in their own ability to
22 assess the world around them, and the extent to which
23 they can rely on other people, even those who appear
24 kindly and supportive. They felt utterly destabilised
25 by the discovery that what they believed to be true was

1 in fact a complete fiction. And therefore they can
2 trust no one, not even themselves.

3 "AJA" says:

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

5 And Sarah explains:

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

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

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

23 Sarah reflects:

24 "I was the link to introducing him to people who
25 would never have wanted to meet him had they known he

1 was a police officer. I feel pretty guilty about that."

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

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

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

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

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

23 And allied to this was the presentation of a person
24 who reflected their victim's interests, claiming to
25 share their music tastes and their hobbies and so forth,

1 as we heard this morning.

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

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

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

22 "He seemed so understanding of what I was going
23 through as he told me he had lost his mother at a very
24 early age and his father more recently. I felt that we
25 understood each other in this respect."

1 In addition, the false narratives provided at
2 the point of extraction left victims engaging in
3 fruitless searches for them and depleting their own
4 emotional energies with concerns for their safety and
5 welfare.

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

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

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

1 parents' home and attendance at her father's funeral.

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

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

10 The Inquiry has already heard at various times
11 references to the SDS Tradecraft manual, an internal
12 document providing guidance for undercover officers that
13 was originally drafted by Andy Coles, and was
14 subsequently added to by Bob Lambert. The absence of
15 any clear guidance in this document, and the absence of
16 any acknowledgement of the potential consequences or
17 potential harm that could be caused, is striking.

18 The text proposed that undercover officers "must make
19 your own mind up", and if attempts to avoid any sexual
20 encounter led to suspicion:

21 "If there is no other option but to become involved
22 with a weary, you should try to have fleeting,
23 disastrous relationships with individuals who are not
24 important to your sources of information. One cannot be
25 involved with a weary in a relationship for any period

1 of time without risking serious consequences."

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

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

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

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

19 They don't believe this to be a coincidence. They
20 believe the similarity of their experiences must have
21 stemmed from a shared pool of knowledge, understanding,
22 training or guidance the officers received. And that,
23 in turn, this indicates a likely awareness of
24 the widespread nature of this practice at a more senior
25 level within the policing hierarchy. And the particular

1 similarities in the way that undercover officers
2 terminated their contact with those who they deceived
3 indicates the existence of a shared exit strategy.

4 These emotional and sexual relationships were not
5 fleeting or transitory, they were constructed over time,
6 created deep emotional commitment on the part of
7 the victim, and often endured for a substantial part of
8 the undercover officer's deployment. Given
9 the longevity and nature of these relationships, it
10 appears inevitable that more senior officers were aware
11 of what was taking place, or at the very least were
12 wilfully blind to it.

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

25 Mark Kennedy's evidence to the Home Affairs Select

1 Committee was that it was highly unlikely that an
2 officer might enter into a relationship without his
3 superiors knowing. He explained that his managers had
4 access to all his communications, that he carried
5 a tracking device so they always knew his whereabouts,
6 and he was in regular contact with other
7 undercover officers and informants who would have
8 reported back on his activities. He said it was beyond
9 belief that his superiors didn't know.

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

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

21 Many questions arise, too, from "TBS's" particular
22 experiences. That children could be fathered as
23 a result of these relationships was plainly foreseeable
24 and must have been foreseen. So what consideration was
25 given to these risks? And what steps, if any, were

1 taken to guard against this kind of situation occurring?
2 Most obviously, permitting an undercover officer to
3 remain in the same deployment for a lengthy period of
4 time substantially increases the risk of children being
5 conceived.

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

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

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

1 of the European Convention on Human Rights.

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

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

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

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

15 What information was shared between
16 undercover officers about these relationships?

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

19 What safeguards were in place?

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

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

25 Did any written guidance exist other than

1 the Tradecraft Manual? Who authored the parts of
2 the manual dealing with sexual relationships, and at
3 what level of seniority was this considered?

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

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

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

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

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

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

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

24 After the relationships ended, what level of
25 surveillance was carried out to see if the women in

1 question were making inquiries that posed a threat to
2 the maintenance of the officer's cover identity?

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

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

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

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

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

25 To what extent did managers and other senior

1 officers appreciate that this was a potential
2 consequence of long-term undercover deployments? What
3 steps did they take in consequence?

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

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

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

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

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

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

23 Were those responsible for Bob Lambert's promotion
24 within the SDS aware of "TBS's" birth? Were
25 Bob Lambert's handlers and/or his supervisors involved

1 in developing his extraction strategy and the subsequent
2 subterfuge aimed at protecting his identity from
3 attempts to trace him, which I have already described?

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

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

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

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

23 Broadly, our clients fully endorse concerns already
24 raised about the procedural shortcomings. And in
25 the circumstances, I only intend to refer very briefly

1 to two matters that directly affect my clients.

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

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

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

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

18 "Lindsey" had wanted to use the officer's real name
19 in making this statement and, acting responsibly, she
20 notified the Inquiry of that intention. As you know,
21 sir, I have of course, as required, given
22 the undertaking that you sought today. But I am asked
23 to convey "Lindsey's" great disappointment and
24 frustration that she has been prevented from naming
25 Carlo Neri.

1 Secondly, Marco Jacobs' real name has not been
2 revealed. Much to our client's shock and further
3 anguish, when seeking an order from the inquiry that his
4 real name is protected, he has stooped so low as to deny
5 that the sexual relationships which I have described
6 even took place, despite "AJA" and "ARB" having received
7 substantial compensation from the Metropolitan Police
8 Service in respect of the abusive relationships they
9 suffered because of his deceit.

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

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

24 They seek explanations as to the true purpose of
25 the officers' action, and an understanding as to how

1 high up the chain of command there was knowledge,
2 encouragement or indifference.

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

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

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

13 Sir, thank you very much.

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

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

18 THE CHAIRMAN: Thank you.

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

21 (3.14 pm)

22 (A short break)

23 (3.30 pm)

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

1 Chairman.

2 THE CHAIRMAN: Thank you.

3 Ms Williams.

4 Opening statement on behalf of Category F Core Participants

5 by MS WILLIAMS

6 MS WILLIAMS: Thank you, sir. Good afternoon.

7 Sir, one of the most difficult and personal events
8 for anyone to bear is the death of a child. The grief
9 involved is simply unimaginable for most of us.

10 The families we represent not only underwent that
11 terrible experience, but many years later have been
12 horrified to learn that their deceased son's or
13 brother's identity was taken and manipulated to create
14 the false identity of an undercover officer. Something
15 they would never have consented to, and which has
16 tarnished the memories of their loved ones.

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

22 They are, sir, firstly, Frank Bennett and
23 Honor Robson, the bereaved brother and sister of
24 Michael Hartley, who died on 4 August 1968 at 18 years
25 of age. The officer known in this Inquiry as "HN12"

1 appropriated Michael's identity for the purposes of his
2 undercover deployment by the SDS between 1982 and 1985.

3 Secondly, sir, we represent Faith Mason,
4 the bereaved mother of Neil Robin Martin, who died on
5 15 October 1969 at six years of age. The officer known
6 at "HN122" appropriated aspects of Neil's identity for
7 his SDS undercover deployments in the name Neil
8 Robin Richardson, during the period 1989 to 1993.

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

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

21 Fifthly, we represent Barbara Shaw, the bereaved
22 mother of Rod Richardson, who died on 7 January 1973
23 when he was just two days old. The officer known
24 as "EN32" appropriated Rod's identity for his undercover
25 deployment by the NPOIU between the years 2000 and 2003.

1 This statement is also provided on behalf of
2 Gordon Peters, who is the father of Benjamin De Witt
3 Peters, who died on 23 September 1979, when he was
4 a week old. And the lady to be known as "RDCA" who is
5 the mother of Jed Lacey Morris, who died in April 1971,
6 when he was one years old.

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

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

25 Since this tactic has been exposed, the families

1 have suffered considerable anguish, shock and distress.

2 In July 2013, Operation Herne's report 1 -- in that
3 report, the authors indicated that the tactic was no
4 longer used by any police force. As I will return to in
5 more detail, our clients are far from persuaded that
6 during the time when the tactic was used,
7 the alternative approach of creating entirely fictitious
8 identities was unavailable to officers, and far from
9 persuaded that operational necessity required this
10 disgusting practice. To the contrary, they believe it
11 likely that the culture of secrecy and isolation
12 fostered by the Home Office and the SDS explain why
13 alternative methods were not encouraged or adopted.

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

19 During the course of this statement, I will describe
20 the experiences of our clients, reflect on the common
21 themes that emerge from their personal narratives, and
22 identify pressing, unanswered questions that have
23 preoccupied them for several years now; including why
24 this abhorrent practice was permitted to develop and
25 continue; whether, and at what level of seniority, it

1 was authorised and tolerated; and the reasons why, and
2 at whose direction, it came to be discontinued.

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

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

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

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

25 Accordingly, the narrative that I am able to address

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

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

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

23 In Mr Barr's opening statement last week, he
24 confirmed that evidence obtained by the Inquiry
25 indicates the practice was not adopted by the SDS in its

1 early years. Mr Sanders for the Designated Lawyer
2 Officers told you, sir, the tactic was adopted as
3 a standard practice from around 1973 until
4 the mid-1990s.

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

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

16 The memo continued:

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

22 Mr Sanders told you last week, sir, that using
23 a real person's date of birth became necessary because
24 of the way that the register of births was collated at
25 the time. Plainly, this is something that the Inquiry

1 will need to probe very carefully when the evidence is
2 heard.

3 Mr Sanders also told you that the central reason for
4 the adoption of this practice was that a number of SDS
5 officers, presumably those using fictitious names, were
6 compromised or outed. However, neither his written
7 statement or his oral opening addressed -- neither his
8 written or his oral opening identified a single document
9 that supports this assertion. Moreover, it appears to
10 fly in the face of the memo from 1973 that I have just
11 quoted from.

12 The Operation Herne report 1 identified 42 SDS
13 officers who had relied upon the identity details of
14 a deceased child, and 45 who had developed entirely
15 fictitious covert identities. The province of
16 the remaining 19 covert identities had not been
17 established at that time and investigation of
18 the NPIOU's officers' reliance on the practice had
19 barely commenced.

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

22 There appears to have been efforts to phase out
23 the practice on grounds of operational ineffectiveness
24 from 1995, although Operation Herne identified at least
25 one earlier incidence when an officer had used an aunt's

1 surname for forming his cover name.

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

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

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

17 The tactic as described by the Tradecraft manual
18 appears to have entailed, in the first instance,
19 selecting a surname or group of surnames, and then
20 searching death registers, until the death of males of
21 the right age have been identified, that is between 8 to
22 14 years old.

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

1 avoiding:

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

5 And obtaining:

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

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

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

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

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

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

25 The Operation Herne report 1 explained that efforts

1 were made to research the existence of close family
2 members, and that names that were too unusual or too
3 uncommon would be discounted and "so too would cases
4 where the deceased had died in unusual or memorable
5 circumstances".

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

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

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

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

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

23 Similarly, in their book "Undercover: The True Story
24 of Britain's Secret Police" by journalists Rob Evans and
25 Paul Lewis, they wrote:

1 "They were not just assuming the names of deceased
2 people -- they were assuming their entire identities, so
3 they made sure they familiarised themselves with the
4 lives of the people they were pretending to be. That
5 usually meant a visit to the house where the child was
6 born and spent the first few years of their life, to get
7 to know the surroundings."

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

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

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

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

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

25 "... finding a suitable ex person, usually

1 a deceased child."

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

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

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

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

23 HN78 who appropriated the identity of Anthony Lewis
24 was black as are the Lewis family. The cause of
25 Anthony's death was sickle cell anaemia, an illness that

1 occurs predominantly in individuals of African and
2 Caribbean descent.

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

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

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

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

23 On 31 January 2013, Barbara Shaw made a formal
24 complaint to the Metropolitan Police about
25 the appropriation by an undercover officer of

1 the identity of her deceased son after she had learned
2 of this from a journalist with The Guardian newspaper.
3 Her complaint was made the subject of a local
4 investigation by the Metropolitan Police Department of
5 Professional Standards.

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

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

18 "The practice of 'resurrecting' dead children as
19 cover identities for undercover police officers was not
20 only ghoulish and disrespectful, it could potentially
21 have placed bereaved families in real danger of
22 retaliation. The families who have been affected by this
23 deserve an explanation and a full and unambiguous
24 apology from the forces concerned. We would also welcome
25 a clear statement from the Home Secretary that this

1 practice will never be followed in future."

2 It cannot be sufficiently emphasised that using
3 the identities of dead children was not only abhorrent
4 but reflects badly on the police. It must never occur
5 again.

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

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

13 In evidence given to the committee on
14 5 February 2013, Deputy Assistant Commissioner Gallan
15 stated the practice had ceased and could no longer be
16 authorised as -- I quote:

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

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

1 similar general letters of apology.

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

6 Returning to Barbara Shaw. On 16 July 2013, she was
7 informed that her complaint had not been upheld.

8 The NCND policy was relied on to explain the limited
9 nature of the apology that had been extended.

10 Subsequently, a heavily redacted version of
11 the complaint investigation report dated 25 July 2013
12 was provided. She was astonished to see it contained
13 the following offensive observation:

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

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

21 On 29 October 2014, the Independent Police
22 Complaints Commission upheld aspects of Barbara's appeal
23 against the decision, and it was remitted back to
24 the Metropolitan Police for further investigation.
25 The redacted reinvestigation report dated

1 23 February 2016 was disclosed to Barbara in
2 November 2017. It concluded the use of Rod's identity
3 was in accordance with the doctrine and practice of
4 the NPOIU, and thus the complaint was not upheld against
5 the undercover officer EN32.

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

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

21 But in contrast, NPOIU officers attended a separate
22 course, the National Undercover Course in Public
23 Disorder, that had been tailored to the undercover
24 infiltration of animal rights and other political
25 organisations.

1 This course was not accredited, and relied upon
2 a former SDS operative as a trainer. His service in
3 the SDS had pre-dated the phasing-out of the practice,
4 and there was no oversight which prevented him from
5 passing on this discredited tactic to the NPOIU
6 officers.

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

10 The report concluded -- and I quote:

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

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

20 Barbara appealed to the Independent Office for
21 Police Conduct in respect of the reinvestigation
22 report's conclusion that no criminal offence had been
23 identified. On 2 August 2018, that body indicated it
24 would defer its view on the appeal until the Crown
25 Prosecution Service had decided whether any criminality

1 had taken place. Seven-and-a-half years after she made
2 her complaint, Barbara Shaw still awaits the outcome.

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

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

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

23 On the information available, the practice of using
24 deceased children's identities was not subject to any,
25 or any sufficient, legal authority that could satisfy

1 the requirements of being in accordance with the law.

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

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

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

25 I will now address some common features before

1 turning to our clients' individual narratives and
2 the questions they seek answers for.

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

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

21 The intensity of their original grief has been
22 brought back with full force. They have suffered
23 feelings of disgust, of anger, of paranoia, and
24 a complete loss of confidence in policing. They're
25 incredulous that the identities of their loved ones were

1 taken without any operational justification. And
2 knowledge that the methodology included reconnoitering
3 family addresses has caused significant distress. And they
4 remain intensely concerned by the intrusion upon their
5 lives and its potential extent.

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

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

18 The relatives' distress has been exacerbated by
19 the lack of the information they have so far received
20 about the circumstances surrounding the original
21 appropriation of their loved ones' identities,
22 the potential additional intrusions upon them, and
23 the extent to which undercover officers used their loved
24 ones' identities when committing criminal offences
25 and/or entering into -- (temporary loss of audio

1 feed) -- and in those years there has been no tangible
2 process -- sorry, no tangible progress in answering
3 the relatives' questions, nor in providing them with
4 disclosure of documents that relate to them and their
5 loved ones.

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

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

13 MS WILLIAMS: Thank you very much.

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

18 As I mentioned earlier, in 2013, the Commissioner of
19 the Metropolitan Police expressed regret for the general
20 practice of relying upon the identities of deceased
21 children. Since then, the families of Michael Hartley,
22 Neil Robin Martin, Anthony Lewis, Kevin John Crossland
23 and Rod Richardson have received official confirmation
24 from the inquiry that the identities of their loved ones
25 were appropriated and used as officers' cover names.

1 Those letters of confirmation included an offer from
2 the Metropolitan Police to extend an in-person apology.
3 The uptake from the families wishing to meet officers
4 for this purpose has been low. They now feel that
5 the appropriate time for the communication of formal
6 apologies to them is after the Metropolitan Police
7 and/or the Inquiry has provided answers to their
8 questions.

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

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

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

24 Category 2: parents or other close relatives who
25 expressed an interest in knowing whether their deceased

1 child's identity had been used by police, but where
2 the Inquiry had imposed an order risking publication of
3 the relevant officer's covert identity. These families
4 would not be provided with any information.

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

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

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

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

23 Currently, then, the scale of the practice remains
24 uncertain. But for those families who are within
25 the Inquiry's category 3, they remain looking for

1 answers to their concerns. The ruling of 14 July 2016
2 was over four years ago, when it was indicated that they
3 would have to wait in the short term. Well, they're
4 still waiting.

5 Mr Barr spoke in the opening of the need for caution
6 in releasing this information. But, sir, the Inquiry
7 should not underestimate the anxiety involved.
8 Bindmans, my instructing solicitor, wrote to the Inquiry
9 in January 2020 seeking an update. The relatively
10 uninformative response of 20 February 2020 said:

11 "As our investigations are ongoing, the Inquiry is
12 not yet able to finally review the position of [category
13 3] families. As and when the Chairman is able to
14 provide an updated position, or to conduct a final
15 review, he will do so."

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

19 Bindmans wrote to the Inquiry again on
20 15 September 2020, asking when the category 3 families
21 could be given the reassurance they craved, that their
22 child's identity was not appropriated by
23 undercover officers, and they requested a clear
24 timeline. The Inquiry's recent reply states that
25 the review of cover names used by SDS officers is close

1 to completion, but that the Inquiry then has to review
2 cover names used by the NPOIU. No specific timeline has
3 been provided. But the letter continued that once
4 the review is completed:

5 "... the [Metropolitan Police] and National Police
6 Chiefs' Council will be invited to consider whether
7 a meaningful answer can be given to families in category
8 3."

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

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

18 Over seven years have elapsed since the Home Affairs
19 Select Committee stated in their June 2013 report:

20 "It is shocking that the practice of using deceased
21 infants' names was apparently a surprise to senior
22 officers and it is vital that [it is] establish[ed]
23 quickly how high up the chain of command this practice
24 was sanctioned."

25 My clients seek answers in particular to

1 the following:

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

4 To what extent did the SDS depart from
5 the governance arrangements introduced within SO10 from
6 1998?

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

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

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

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

24 What were the drivers for the difference of
25 training, tactics, review and integration between

1 the SDS and the NPOIU, on the one hand, and other
2 undercover units such as SO10, on the other?

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

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

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

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

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

23 When did undercover officers use false names for
24 their legends? To what extent was this practice
25 available and used during the time that deceased

1 children' identities were also appropriated?

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

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

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

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

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

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

25 In particular, why did NPOIU officers used what was

1 by then a discredited practice? To what extent were
2 managers or other senior officers aware of this? What
3 actions were taken in response, and were accreditation
4 and training requirements circumvented?

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

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

11 Have clear lines of responsibilities between
12 the National Police Chiefs' Council, different
13 undercover units and police forces been established?
14 And what are those lines of responsibility?

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

19 Michael Hartley died on 4 August 1968 when he went
20 overboard a fishing trawler. Michael was 18 years of
21 age. He was born on 9 June 1950. His brother
22 Frank Bennett was 11 years of age and his sister
23 Honor Robson was 13 years of age when they learned of
24 the loss of their brother. The loss of Michael
25 devastated the family, which has experienced repeated

1 tragedy. In 1955, Michael and Honor's father Ernest
2 died of tuberculosis at the age of 32 years. And
3 following Michael's death, his heartbroken mother
4 suffered a physical and mental collapse, and in 1977
5 took her own life. A particular feature of the intense
6 bereavement suffered by Michael's mother arose from his
7 body never having been found and there not having been
8 a funeral.

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

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

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

22 The revelation of HN12's conduct has forever sullied
23 the family memories of Michael. From their perspective,
24 his identity was stolen and their memories permanently
25 tarnished. Particular affront has been caused by HN12's

1 commission of criminal offences in Michael Hartley's
2 name, and by HN12 engaging in a sexual relationship
3 using that identity. This has been exacerbated by
4 the lack of information about the circumstances of
5 HN12's deployment, the relationships he entered into and
6 the criminality that resulted in his conviction in
7 Michael's name.

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

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

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

1 allegation of misconduct against him."

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

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

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

24 While Faith struggled with these responsibilities
25 and experiences, Neil became increasingly unwell and was

1 admitted to hospital, separating mother and son for many
2 months in the period running up to his death. Faith was
3 22 years old when Neil passed away. She was left to
4 bring up her remaining three children alone. She
5 provided for them by undertaking heavy manual work at
6 a local factory. She spent extended periods sitting by
7 Neil's grave.

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

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

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

24 On 23 May 2018, the Chairman issued a further ruling
25 confirming that HN122's real name could not be

1 published. The risk statement and statement provided by
2 the officer have not been disclosed to Faith, nor has
3 she received a gist of the information contained in
4 the documents, save for some brief details.

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

11 Anthony Lewis was born on 13 May 1961 and he died on
12 31 July 1968 from sickle cell anaemia. He was seven
13 years old. He was survived by his mother, father and
14 his younger sister. Ms Lewis lives with her parents and
15 is their primary carer. They're both elderly and
16 experiencing health problems. They are both
17 octogenarians.

18 On 1 June 2019, Mr and Mrs Lewis received a letter
19 from the Inquiry team notifying them that their son's
20 identity and date of birth had been appropriated and
21 used by an SDS undercover officer known by
22 the cipher "HN78", who used the cover name "Anthony
23 'Bobby' Lewis". The revelation triggered very painful
24 memories for all the family members, as not only Anthony
25 but also their other daughter (sibling), Joan Lewis,

1 died of sickle cell anaemia at the age of 34. Both
2 Mr and Mrs Lewis are carriers of the disease, and so
3 they are particularly upset at the thought that
4 the disease which killed two of their children may have
5 been a factor in HN78 deciding to use Anthony's
6 identity.

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

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

18 On 22 January 2020, the Chairman ruled there would
19 be no restriction order in respect of the real name of
20 HN78, and the women who he had sexual relationships
21 with, "Bea" and "Jenny", would be invited to say whether
22 they would like to receive prior disclosure of his name.
23 Given the profound intrusion upon their family life and
24 grief, the Lewis family believe they should be afforded
25 the same accommodation.

1 On 16 July 2019, the Inquiry confirmed that HN78
2 used the cover name "Anthony 'Bobby' Lewis", and that he
3 was deployed into the Socialist Workers Party and
4 the Anti-Nazi League. From the limited information
5 the family currently have, it appears that Anthony's
6 identity was appropriated by an undercover officer who
7 infiltrated and spied on political activists and
8 organisations involved in the Stephen Lawrence justice
9 campaign.

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

18 98 of the 117 passengers and crew died in
19 the accident, including Kevin's mother and sister.
20 Kevin and his sister had been very happy children.
21 Kevin had a love of football.

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

25 During his treatment in a London hospital, David met

1 Liisa, who was involved in his nursing care. David's
2 injuries included severe burns and multiple fractures.
3 Following his discharge from hospital, David and Liisa
4 developed a friendship, leading on 5 May 1968 to
5 marriage, and Mark is the son of that marriage. David
6 was diagnosed with cancer in May 2000 and passed away on
7 1 November 2001. Liisa and David were married for
8 33 years. And in that time, Liisa gained a deep
9 understanding of the enormous impact that the loss of
10 Kevin had had upon her husband. She carried the burden
11 of this loss, the grief and the memories of Kevin long
12 after David's passing.

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

23 Liisa and Mark attended a meeting with the Inquiry
24 team on 18 July 2018. The team were apologetic, but
25 they were unable to provide the information they sought.

1 The family did learn from the discussion that HN16 may
2 have come to the area in which the Crossland family
3 lived to observe. Liisa also learned that HN16's
4 deployment occurred during the time David had been alive
5 and battling cancer, and the information caused them
6 considerable distress.

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

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

23 On 5 December 2017, the Chairman ruled there would
24 be a restriction order in respect of HN16's real name
25 but not over his cover name.

1 Subsequently, in August 2018, HN16 admitted he had
2 sexual relationships as an undercover officer with
3 "Ellie" and with "Sarah", as you heard about this
4 morning.

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

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

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

23 Whilst respecting, of course, the existence of that
24 right in respect of the other victims of his wrongdoing,
25 they believe the Inquiry has failed to give any adequate

1 explanation for the distinction that it has drawn.

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

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

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

19 On 4 January 2013, as I've mentioned earlier,
20 Barbara was contacted by Paul Lewis of the guardian
21 newspaper, and informed the identity of her son was
22 believed to have been used by a police officer in
23 connection with his undercover role. Barbara learned
24 that a Rod Richardson had first appeared as an apparent
25 radical anti-capitalist activist in 2000, based in

1 Nottingham, and had disappeared three years later,
2 telling friends he was moving to Australia.

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

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

14 On 15 December 2016, the Inquiry published a notice
15 indicating EN32 had not sought a restriction order in
16 respect of his use of Rod Richardson's identity as his
17 cover name. As far as we are aware, no ruling has yet
18 been made on his application for a restriction order in
19 respect of his real name, though a minded to note dated
20 5 October 2018 indicated an intention not to reveal his
21 real name.

22 Gordon Peters is now a septuagenarian, and was
23 bereaved of his second child, Benjamin, when he was
24 35 years of age and Benjamin was just a week old.
25 Benjamin's early death on 23 September 1979 followed

1 a traumatic birth and an extremely anxious week, in
2 which Gordon willed his baby's survival, notwithstanding
3 the knowledge that survival would entail profound brain
4 damage.

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

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

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

21 RDCA is now 71 years of age, and was bereaved of her
22 child when he was 15 months old. In April 1971, she was
23 pushing his pushchair across a zebra crossing when
24 a vehicle careered cross the road causing his death.
25 RDCA suffered the emotional turmoil of attending an

1 inquest touching upon her baby's death and the finding
2 that he had been unlawfully killed.

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

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

23 In addition, my clients share the concerns
24 eloquently expressed in the earlier openings from and on
25 behalf of non-state core participants as to

1 the procedural shortcomings displayed by the Inquiry so
2 far.

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

14 Thank you, sir. That concludes my opening
15 statement.

16 THE CHAIRMAN: Thank you, Ms Williams.

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

22 Thank you.

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

25 (4.39 pm)

1 (A short break)

2 (4.50 pm)

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

5 Chairman.

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

12 Opening statement on behalf of Category H and J Core

13 Participants by MS KAUFMANN

14 MS KAUFMANN: Thank you, sir.

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

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

24 All three were involved in campaigns seeking answers
25 and justice in respect of police violence, racism and

1 corruption. All three have reason to believe that they
2 or their campaigns were subjected to undercover
3 policing. They haven't been given any, or any
4 satisfactory, explanation why or how, or for what length
5 of time, they were spied on, who authorised it, or how
6 the information gathered has been, or was intended to
7 be, used.

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

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

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

25 As I will detail later, Ms Armani Da Silva in

1 particular, as part of the Justice for
2 Jean Charles de Menezes campaign, has first-hand
3 experience of the critical significance of information
4 and misinformation in shaping the public narrative about
5 police action.

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

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

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

25 He left school at 17 and began to work. At 25 he

1 went to evening classes to study electronics, and then
2 he went on to Waltham Forest College to study more
3 electronics and maths. He successfully completed
4 college and he then went on to an apprenticeship in
5 Goldsmith Row, where he repaired electronic goods. It
6 was hard work and it included evenings and weekends.

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

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

20 On New Year's Eve 1986, one of his sons Trevor, who
21 was then aged 19, was out with two of John's sisters
22 when he disappeared from outside a nightclub in
23 Stoke Newington, London. He was arrested. And
24 the following day, he was found semiconscious in an
25 unknown car. And he was then arrested again on

1 suspicion of criminal damage in respect of the car he
2 was found in, and he was taken to Stoke Newington police
3 station. While he was there, Mr Burke-Monerville
4 attended, searching for him. And he was told, falsely,
5 by the police that Trevor wasn't there.

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

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

19 When the family visited him in Brixton, he was
20 plainly very unwell. And on 4 January, he suffered
21 fits. On 6 January, he was transferred to
22 the Maudsley Hospital for an emergency operation on his
23 brain, requiring the removal of a blood clot. On that
24 day, the Crown Prosecution Service dropped all charges
25 against him.

1 The family and the local community began a campaign
2 to discover what had happened to Trevor between his
3 disappearance on 31 December 1986 and his admission to
4 the Maudsley Hospital six days later. Trevor never
5 recovered his memory of what had happened to him.
6 Doctors at the Maudsley had advised the family that his
7 memory was likely to return one day but it hadn't done
8 so by the time he was murdered on the streets near his
9 family home in March 1994. He was established 15 times
10 as he was making his way home from a friend's house.
11 No one has ever been brought to justice in connection
12 with his murder.

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

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

23 Trevor found the harassment by the MPS so bad that
24 for a few years he moved to St Lucia in order to escape
25 it, but he had to return when his epilepsy, a condition

1 he had developed following his brain surgery, worsened.

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

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

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

22 Tragically, on 19 June, a third son, David, was
23 fatally stabbed outside his home in North London. Three
24 men have been charged not with murder but with
25 aggravated burglary in connection with his death.

1 The trial was due to commence in March of 2020, but when
2 COVID descended, it had to be adjourned.

3 In 2014, while Mr Burke-Monerville was still
4 grieving at the death of his son Joseph, he was
5 contacted by Operation Herne and informed that they had
6 information for him. In 2016, he was told that
7 the Justice for Trevor Monerville campaign had been
8 listed in the 1987 SDS Annual Report as one of
9 the organisations that was directly penetrated or
10 closely monitored during the year under review. He was
11 granted core participant status in the Inquiry on
12 11 February of 2016. However, nearly five years on, and
13 despite his commitment to participating in the Inquiry,
14 and his participation as a claimant in two judicial
15 review cases challenging the Inquiry process, he has not
16 received any further information as to how, or why,
17 the campaign to seek justice for his son was subject to
18 undercover policing.

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

21 "I feel a responsibility to my sons, myself, my
22 family and my community to ensure that this Inquiry
23 comes through with some sort of answers about why we
24 were spied on by the police. We have not been told
25 the truth by anybody in authority about anything all

1 along. I have no reason to be hopeful about this
2 Inquiry. No one in authority has given me that. But
3 I do remain hopeful. It is, though, my last hope and I
4 am tired. I don't want my surviving children,
5 grandchildren and great grandchildren to go through what
6 we are going through."

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

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

19 The initial reporting, including by then
20 Commissioner Sir Ian Blair, suggested that Jean Charles
21 what the run through the ticket barrier, that he was
22 wearing suspicious clothing and that he failed to stop
23 when asked to do so. This gave the impression that
24 Jean Charles was not an entirely innocent victim and
25 appeared to mitigate the enormity of the police error.

1 This was greatly distressing to Jean Charles' family,
2 because they knew it was highly unlikely he would have
3 done anything wrong. It subsequently transpired that
4 all of the early assertions about Jean Charles'
5 behaviour were false. He hadn't run from the police, he
6 had not failed to respond to a command and he wasn't
7 wearing suspicious clothing.

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

16 "Once the MPS knew that Mr de Menezes was innocent
17 on the morning of 23 July 2005 they should have
18 refrained from publicly discussing the shooting until
19 such time as the facts had been fully established.
20 Whilst the MPS admitted to having made a tragic mistake
21 they continued to try to justify the shooting by
22 referring to Mr de Menezes' own actions and clothing."

23 Despite subsequent widespread publication of
24 the fact that the initial information about Jean Charles
25 and his actions was false, the impression given in those

1 first hours following the shooting remains for many
2 the enduring narrative, and to this day, the family have
3 to correct the false impression that Jean Charles in
4 some way contributed to his own death.

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

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

22 The matter was investigated by the Metropolitan
23 Police's Directorate of Professional Standards under
24 the supervision of the IPCC and DI Settle denied having
25 told Ms Wistrich that the information had been leaked

1 from a police source. The journalist who had reported
2 on the allegation refused to reveal his source, and
3 the investigation into the leak concluded in the light
4 of the number of people who knew of the allegation,
5 including those outside the MPS, that further
6 investigation was unlikely to identify the source of
7 the leak.

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

22 This has always been denied by the MPS, but
23 Ms Armani Da Silva asks the Inquiry to seek out
24 the evidence of those involved in the justice campaigns
25 and consider whether there are common aspects of their

1 experiences which call into question those denials. It
2 may not be possible for any one campaign, individually,
3 to prove that information put into the public domain
4 about them or their loved one was part of a deliberate
5 attempt by the MPS to smear them, but if this is
6 a common experience across many campaigns, then defences
7 of accidental error, or denial of attribution, on
8 the part of the MPS become more difficult to sustain.
9 Likewise, if such a pattern were to emerge, it calls
10 into question the suggestion that the collection of
11 information about these campaigns was merely
12 overzealous, "collateral" recording by
13 undercover officers targeted against other groups, even
14 if, as Operation Herne found, there is no evidence in
15 the surviving documentation of explicit tasking -- and
16 I shall come on to the lack of evidence in a moment.
17 Whilst isolated instances of misinformation about
18 the victims of police misconduct may be explained as
19 breakdowns in communication, multiple instances of
20 information about justice campaigns being covertly
21 obtained and recorded must raise questions over ulterior
22 motive, particularly in light of the allegations made by
23 Peter Francis.

24 Ms Armani Da Silva learnt that information about
25 the Jean Charles de Menezes family campaign had been

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

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

22 Mr Marc Wadsworth is a journalist, an author,
23 a historian and a campaigner. In 1991, he founded and
24 led the Anti-Racist Alliance. The ARA was Europe's
25 largest black-led anti-racist movement and it comprised

1 faith groups, civil organisations, MPs from all the main
2 parties and trade unions. It has branches throughout
3 England, Scotland and Wales and had a high political and
4 media profile. It was often seen by the police and
5 other state bodies as a thorn in their side.

6 In 1993, Mr Wadsworth assisted the family of
7 Stephen Lawrence to set up their campaign for justice
8 and he introduced them to the lawyer Imran Khan QC.
9 Through his contacts in the African National Congress,
10 Mr Wadsworth facilitated a meeting between the Lawrence
11 family and Nelson Mandela, and he also introduced
12 the family to Archbishop Desmond Tutu who, like
13 Mr Mandela, was a Nobel prize winner.

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

19 These requests have been followed by requests from
20 his MP, Harriet Harman. However, all that has been
21 disclosed to date is a redacted document that appears to
22 be an intelligence report dated 2 May 1996 concerning
23 a planned ARA march in Central London and a report dated
24 27 May 1999 relating to a complaint made by Mr Wadsworth
25 to the police in respect of a threatening letter he had

1 received. The MPS has refused to either confirm or deny
2 whether the ARA or its members were subjected to
3 surveillance.

4 Mr Wadsworth was granted core participant status on
5 21 October of 2015. As with Mr Burke-Monerville and
6 Ms Armani Da Silva, no further information has been
7 disclosed to him as to whether and, if so and how or
8 why, he, or the ARA, were subject to undercover
9 policing.

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

18 In Mr Burke-Monerville's case, he additionally has
19 a very personal need for the truth about his sons. He
20 appreciates that the Inquiry's terms of reference are
21 limited to the investigation of undercover policing and
22 therefore, on their face, do not extend to investigating
23 the wider circumstances of the murders of his sons, or
24 the circumstances of Trevor's treatment in police
25 custody. However, a core aspect of the Inquiry's remit

1 is to "examine the motivation for, and the scope of,
2 undercover police operations in practice and their
3 effect upon individuals in particular and the public in
4 general".

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

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

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

22 It will be impossible for the Inquiry to assess
23 where the truth lies in respect of these two competing
24 motivations without considering the underlying
25 circumstances. If it is right, as the family have

1 always suspected from the fragments they have been able
2 to piece together, that Trevor was restrained and
3 assaulted during his time in police custody, then that,
4 and the fact that the police have never been open about
5 their actions on that night, must raise a real question
6 about their motivations for subsequently infiltrating
7 the campaign that was trying to bring that brutality to
8 light. In other words, uncovering the underlying facts
9 of what happened to Trevor is an essential part of
10 testing the "collateral intrusion" narrative.

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

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

25 And on 24 June of 2013, in an article in

1 The Guardian, he alleged that his superiors had wanted
2 him to find "dirt" that could be used to undermine
3 public sympathy for the family of Stephen Lawrence and
4 their criticism of police failings in connection with
5 the murder investigation.

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

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

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

22 "Gathering intelligence secretly about campaigns [he
23 said], and then using that to potentially undermine them
24 are separated, by a very thin line. Had I found out
25 anything detrimental -- and newsworthy -- about

1 the Lawrence family, the police, using the media then,
2 would have used that information to smear the family.
3 My superiors were after any intelligence of that order.
4 That was made very clear to me. But I would just like
5 to clarify, the Lawrences were not unique in this.
6 The same went for the other justice campaigns that
7 I have already said I infiltrated ..."

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

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

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

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

21 However, these conclusions, based on an absence of
22 records evidencing direct targeting, made no reference
23 to Operation Herne's findings in its March 2014 report
24 that prior to the introduction of the national
25 intelligence model, in about 2014:

1 "There was little [and again I quote] directed
2 tasking, and requests were informal ... and ad hoc, and
3 differed to current practices. Indeed 'direct tasking'
4 was avoided on the grounds that it could compromise an
5 operation."

6 And again I quote:

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

10 This point was made by Mark Ellison in his report
11 following his review of Peter Francis' allegations.

12 I quote:

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

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

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

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

25 It's also a matter of common sense that if

1 undercover officers were being asked to be on the look
2 out for information that could be used to tarnish family
3 justice campaigns, it's unlikely that they would have
4 recorded any of that on the face of police records. In
5 other words, given the context, an absence of evidence
6 is not the same as evidence of absence.

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

16 Mr Burke-Monerville, Ms Armani Da Silva and
17 Mr Wadsworth share the concerns expressed by all of
18 the non-state core participants in relation to
19 the Inquiry's ability to get to the truth of
20 the circumstances -- sorry, to get to the truth in
21 circumstances where it has largely excluded non-state
22 individuals from effective participation: by restricting
23 cover names; by compartmentalising non-state
24 core participants into narrow categories of "direct
25 interest", determined by the Inquiry; and by holding, at

1 least, the initial hearings in circumstances where only
2 a tiny number of non-state core participants and members
3 of the public will be able to see and hear the evidence.

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

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

21 There can be few people nowadays, including in
22 the field of dispensing justice, who have not heard
23 the term "unconscious bias". It has become common
24 currency because of the compelling nature of an ever
25 increasing body of scientific research conducted over

1 the last several decades in the field of the mind
2 sciences, especially the field of implicit social
3 cognition. And this research has led to an appreciation
4 and an understanding of the nature and processes of
5 human perception, judgment and decision-making which
6 have debunked negotiations of objectivity. It's shown
7 instead the insistence and force of unconscious biases
8 that drive how we frame our perceptions, how we make
9 judgments and what we decide. These are "biases"
10 because they refer to a systematic error in the thinking
11 process. They're often connected to a "heuristic" --a
12 mental shortcut -- and are deployed subconsciously to
13 make inferences and judgments. And this has been shown
14 to be as true of legal decision-making as any other
15 field of human endeavour and to impact upon a judge's
16 fact-finding role.

17 Many different types of biases have been identified
18 but some are of particular importance in relation to
19 the issues of racial -- and I say in parenthesis --
20 I add in parenthesis -- (sexual) inequality (and
21 political policing), all of which are central to this
22 Inquiry. Of particular significance is what's known
23 as "ingroup" bias, which leads us to shift standards in
24 a direction that shields those with whom
25 the decision-maker identifies, the "ingroup". There is

1 a move to shield that ingroup from ethical
2 responsibility. In other words, we unfairly favour
3 somebody from our own group. And ingroup bias is itself
4 informed by the wider social and cultural forces at
5 play, forces which, even from birth, develop and shape
6 internal processes by which we make decisions.

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

24 The young age at which this interplay between
25 external factors and subjective processes influences

1 human beings, and its potentially perverse effects, can
2 be seen in the work of African American psychologists
3 Kenneth and Mamie Clark. As far back as the 1940s they
4 demonstrated that both black and white school children
5 attributing positive qualities to white dolls and
6 negative qualities to black dolls in their
7 groundbreaking "doll-test", demonstrating bias in young
8 children. And the poignant conclusion to the recordings
9 was the realisation by black children that they too must
10 be "ugly" or "bad" because they look like the black
11 doll.

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

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

1 with one's pre-existing beliefs:

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

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

24 And this isn't a theoretical concern. You have
25 steadfastly failed to recognise the risk of unconscious

1 bias. At a meeting with non-state core participants,
2 including Mr Burke-Monerville, on 12 December of 2018,
3 you were challenged by the core participants on your
4 understanding of institutional sexism. You acknowledged
5 a wish to be informed about this, but then you
6 immediately rejected the suggestion that you might be
7 assisted by a panel during the investigative stage of
8 the Inquiry, responding:

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

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

21 Mr Wadsworth, himself a historian, whose latest book
22 is "Comrade Sak Shapurji Saklatvalala MP: A political
23 Biography", and who has recently produced the BBC
24 television documentary, "Fighting for King and
25 Empire: Britain's Caribbean heroes", has grave concerns

1 about this view of historical analysis as an objective
2 process taking place from an Archimedean point,
3 uninfected by the same cognitive distortions as affect
4 the population in general, not shaped by the culture and
5 society in which the historian was raised. He would
6 highlight, for instance, the radically different
7 perspectives on imperialism taken by academics such as
8 David Starkey and Niall Ferguson, on the one hand, and
9 William Dalrymple, David Olusoga and Mr Wadsworth
10 himself on the other.

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

17 "Most judges view themselves as objective and
18 especially talented at fair decision-making. For
19 instance, Rachlinski et al found in one survey that 97%
20 of judges (thirty-five out of thirty-six) believed they
21 were in the top quartile in 'avoid[ing] racial prejudice
22 in decision-making' relative to other judges attending
23 the conference. That is, obviously, mathematically
24 impossible ... Unfortunately, there is evidence that
25 believing ourselves to be objective puts at us at

1 particular risk for behaving in ways that belie our
2 self-conception."

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

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

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

22 And when asked whether Special Branch could have
23 been involved in the filming of the Justice for
24 Trevor Campaign by police and whether this was linked to
25 the police harassment of the family, you responded:

1 "[I] doubt that they would, they were seeking those
2 creating greater harm."

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

11 At the previous meeting on 12 December of 2018, you
12 also made a comment which, whilst very well-meaning and
13 sympathetic, indicates a fundamental lack of insight
14 into the issue of structural racism.

15 Mr Burke-Monerville explained to you why he considers it
16 important that you have assistance with understanding
17 racism, and he said -- I quote:

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

24 And it must be remembered that this was before his
25 third son was tragically killed.

1 I continue with the quote:

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

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

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

19 And as Mr Burke-Monerville pointed out in response,
20 whilst well-meaning, the analogy with war time loss
21 missed such a critical aspect of Mr Burke-Monerville's
22 loss: that it didn't occur in conditions of war, but on
23 the streets of London, where he and his family ought to
24 be able to expect a reasonable level of protection and
25 police investigations capable of identifying suspects

1 and bringing them to trial, but he doesn't have that
2 because of the colour of his skin.

3 Mr Burke-Monerville responded:

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

9 We give further examples in our written opening.

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

20 As the UCLA research made clear, it is vital that
21 legal decision-makers, including judges, are aware of
22 and reflect on their own implicit and unconscious
23 biases. Ridding ourselves of such biases is
24 exceptionally difficult, which is why the non-state
25 core participants have repeatedly argued for a diverse

1 panel at the fact-finding stage to redress the imbalance
2 by providing a diversity of expertise and lived
3 experience. Unsurprisingly, no doubt because of its
4 neutralising effect on the impact of cognitive biases,
5 diversity has been shown repeatedly to lead to better
6 decision-making. A range of perspectives ensures that
7 the biases, conscious and unconscious, of each
8 decision-maker are more likely to be challenged and
9 examined.

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

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

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

22 THE CHAIRMAN: Thank you.

23 It has been my privilege to meet
24 Mr John Burke-Monerville on two occasions privately. Of
25 all of those who participate in this Inquiry, he has by

1 far the heaviest cross to bear. I hope that he will not
2 take it amiss if I say publicly what I have said to him
3 privately. He has borne that cross with dignity and
4 with outward stoicism. I have told him, and I repeat
5 publicly now, that I will do my level best, imperfect
6 though it may be, to discover the truth about what
7 happened to him, as well as to a very large number of
8 other people. Notwithstanding the comments that you've
9 made, I hope that he finds a measure of reassurance in
10 that. Thank you.

11 We will resume at 10 o'clock tomorrow.

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

15 (5.43 pm)

16 (The hearing adjourned until 10.00 am on Tuesday,

17 10 November 2020)

18
19
20
21
22
23
24
25

INDEX

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Opening statement on behalf of2
Category H Core Participants
by MS KAUFMANN
Opening Statement on behalf of88
Category H Core Participants
by MS WILLIAMS
Opening statement on behalf of129
Category F Core Participants
by MS WILLIAMS
Opening statement on behalf of176
Category H and J Core
Participants by MS KAUFMANN

- 1
- 2
- 3
- 4