

Thursday, 22 April 2021

(10.00 am)

MR FERNANDES: Good morning, everyone, and welcome to the second day of opening statements at the Undercover Policing Inquiry. My name is Neil Fernandes and I am the hearings manager.

This is Day 2 of the opening statements in tranche 1, Phase 2, and this hearing will conclude on 14 May.

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

THE CHAIRMAN: Thank you.

Today, I am going to begin by reading a statement on behalf of Baroness and Dr Lawrence.

Stephen Lawrence was born and grew up in south-east London, where he lived with his parents, Doreen and Neville, his brother Stuart and sister Georgina. He was a bright and much loved man, with his whole life ahead of him.

On 22 April 1993, at the age of just 18, Stephen was murdered in a brutal and unprovoked racist attack. After the initial police investigation, five suspects were arrested but not convicted.

A public inquiry into the handling of Stephen's case

1 was held in 1998, leading to the publication of  
2 the Macpherson Report, which has been called -- and  
3 I quote -- "one of the most important moments in  
4 the modern history of criminal justice in Britain".

5 The Macpherson Report concluded that  
6 the Metropolitan Police's murder investigation had been  
7 -- and again I quote -- "marred by a combination of  
8 professional incompetence, institutional racism and  
9 a failure of leadership by senior officers".

10 The report led to profound cultural changes in  
11 attitudes to racism, to the law and to police practice.  
12 It also paved the way for a greater understanding of  
13 discrimination of all forms and new equalities  
14 legislation.

15 Despite the brutal circumstances of Stephen's death,  
16 those left behind have campaigned to ensure that his  
17 legacy is ultimately one of hope, reminding us that  
18 change is both much needed but also possible.

19 There will now be a period of silence for one minute  
20 before we resume proceedings.

21 (One-minute silence observed)

22 Thank you.

23 May the opening statement of Diane Langford, which  
24 has been recorded, now be played.

25

1                   Opening statement by MS LANGFORD

2           MS LANGFORD: Good morning. My name's Diane Langford, and  
3           this is my opening statement to  
4           the Undercover Policing Inquiry.

5           I'm glad of the opportunity to contextualise  
6           the very detailed witness statement that I've submitted  
7           to the Inquiry, and to say something further about my  
8           lifetime involvement in political activism.

9           When I was young, I witnessed the injustices of  
10          racism, sexism and the class system that was exported to  
11          Aotearoa/New Zealand by British colonialism. In London,  
12          my activism began in the Campaign Against  
13          Racial Discrimination in the early 60s, continued  
14          thorough the period of this Inquiry and is ongoing.

15          I became involved with the Inquiry as a result of  
16          a memoir I posted online in 2010, that referred to  
17          the outing of "Dave Robertson", HN45, as an  
18          undercover officer. A sharp-eyed researcher, who later  
19          alerted a lawyer acting on behalf of non-state  
20          core participants, spotted my blog. Otherwise, I'd  
21          never have been called to give evidence. How many  
22          others who were spied on are completely unaware that  
23          their names appear in these files?

24          I'll never know what career opportunities were  
25          denied to me, or what other barriers have been placed in

1 front of me during my lifetime, as a result of  
2 the machinations of the Special Demonstration Squad.  
3 I'll never know whether unpleasant incidents, for  
4 example, being denied credit or visas, or break-ins at  
5 my home, were connected to the surveillance I was being  
6 subjected to.

7 I was misled as to the number of UCOs who were  
8 spying on me. Initially, I was only aware of HN45,  
9 known to me as "Dave Robertson". Then the Undercover  
10 Research Group revealed HN348, who infiltrated  
11 the Women's Liberation Movement. Later, I learned that  
12 several others, such as "Dick Epps", have also reported  
13 on me in different organisations I belonged to.

14 Despite the poor treatment I have received from  
15 the inquiry, who failed to invite me to give evidence in  
16 Phase 1, as detailed in my witness statement, I'm  
17 grateful to the Chair for, belatedly, granting my  
18 CP status.

19 I am very concerned that I was denied  
20 the opportunity to participate in the November hearings.

21 I was perplexed that the ruling on my CP status  
22 introduced me as "the widow of the late  
23 Abhimanyu Manchanda", as if I was merely an appendage.  
24 This is an example of institutionalised sexism,  
25 observable in any traditional English graveyard: "Here

1 lies John X of this parish and his wife Janet X."

2 I'd like to express my solidarity with all who have  
3 been unjustly treated by the abhorrent practices under  
4 investigation, to the women who were abused and deceived  
5 by UCOs, the Lawrence family, Celia Stubbs, trade  
6 unionists, anti-racist activists, and those named in my  
7 witness bundle who were members of the woman's  
8 liberation movement, the Gay Liberation Front, the Black  
9 Unity and Freedom Party, the Revolutionary Socialist  
10 Student Federation, the Pan Africanist Congress of  
11 Azania, the Provisional Revolutionary Government of  
12 South Vietnam, the Schools Action Union, Artists for  
13 Liberation and other anti-apartheid and liberation  
14 organisations.

15 I want to pay a tribute to personal friends and  
16 comrades who are no longer with us, whose names I was  
17 very sad to see in my witness bundle.

18 Rest in Power: Dorothy El-Muracy, Palestinian and  
19 Women's Liberationist; NM (Sonia) Seedo, Holocaust  
20 survivor and writer; David Medalla, founder of  
21 the Artists Liberation Front; David Maphgumzana Sibeko  
22 of the Pan Africanist Congress of Azania and  
23 Louis Eakes, Palestine Solidarity Campaigner, whose  
24 arrest in 1970 sparked the first gay liberation  
25 demonstration in Highbury Fields. Entrapment of gay men

1 was another dimension to the methods of  
2 undercover officers.

3 My hope is to join the dots between the past and  
4 the present, and to provide a fuller picture of the aims  
5 of some of the organisations I was involved with.

6 A grim continuum is discernible from the secret  
7 police reports of the 60s, culminating in the skewed  
8 structure of the Inquiry tasked with investigating them.  
9 This continuum of state surveillance, racism, misogyny,  
10 homophobia, empire nostalgia and "post-truth politics"  
11 is part and parcel of an authoritarian imperative to go  
12 backwards from action on the climate emergency to  
13 trashing women's and workers' hard-won rights, while  
14 preserving imperialism and racism amid an outpouring of  
15 white denial.

16 The Inquiry is mired in secretiveness,  
17 prevarication, lack of accountability and transparency.  
18 Bundles of select secret police reports, some of them  
19 barely legible and incomplete, but still reeking of  
20 racism and misogyny, were dispatched to a relatively  
21 tiny number of people in relation to the extensive  
22 surveillance operation that was being carried out by  
23 the Special Demonstration Squad and other spy agencies  
24 against thousands of individuals and groups.

25 Enclosed with the bundle was an intimidating penal

1 notice threatening sequestration of assets if  
2 the contents were shared. The Inquiry informed me on  
3 November 11 that HN348, the UCO who had infiltrated  
4 the Women's Liberation Movement, was to give evidence on  
5 November 18.

6 At that time I was still unrepresented and unaware  
7 that I could have had access to a live feed. At the  
8 time, this was limited to a rolling transcript only,  
9 with a ten-minute delay. Obviously, by the time I was  
10 informed by the Inquiry that HN348 was giving evidence,  
11 the deadline for registering to attend the venue had  
12 passed. I was only alerted when HN348's evidence was  
13 coming to an end. I received an email from  
14 the Undercover Research Group telling me that  
15 Maxine Peake was reading out the transcript.

16 I fully support the Police Spies Out of Our Lives  
17 activists, who organised the reading by actors to make  
18 the hearings more accessible to the public, and to  
19 highlight the Inquiry's failure to do so.

20 I won't read out the strings of numbers referencing  
21 the documents I refer to. These will be fully  
22 referenced in the written version of this opening  
23 statement.

24 Three traumatic events spring to my mind when  
25 I recall the period under scrutiny:

1           One, the threat of violence against her family made  
2 by HN45 to my friend after she identified him as a UCO.

3           Two, a fire assumed to be a right wing arson attack  
4 at Banner Books, where I believe a man died.

5           The premises were under surveillance by HN45, and even  
6 if, as claimed, he had been withdrawn from the field  
7 before the fire, it's likely he had keys made: see  
8 memorandum dated 7 February 1972 stating, "He would be  
9 able to provide a plan of the bookshop and would have  
10 access to the keys of the premises."

11           The possibility that a bookshop was set alight by  
12 fascists causing a death while under surveillance by  
13 UCOs is surely worthy of deeper investigation.

14           Number three, an allegation of attempted rape was  
15 made during a meeting reported on by HN45, but was  
16 ignored by him and, instead, he focused on my domestic  
17 and financial arrangements, while ridiculing my partner,  
18 who was caring for our baby.

19           I want to say something about  
20 the Women's Liberation Movement.

21           Feminism exists wherever women resist oppression,  
22 and at certain points in history, mass movements develop  
23 involving national and international waves of activism.

24           I was lucky to participate in one such wave,  
25 the Women's Liberation Movement, as it rose in

1 the 1960s.

2 I believe then, as now, that this is among the most  
3 globally important issues, and that understanding  
4 the intersection of women's oppression with other forms  
5 is fundamental to transforming our world. Like all  
6 women who created the movement, my commitment was based  
7 on personal experience, recognised as political.

8 For example, when I was in my early 20s, my flatmate  
9 died of an illegal back street abortion. She was only  
10 19. The memory of her death remains vivid for me still  
11 at the age of 79. Like women everywhere, I've  
12 experienced sexual harassment and assault.

13 For years, I was "Mother of the Chapel", that is  
14 a shop steward, in a male-dominated trade union, where  
15 I contended with everyday misogyny and sexist attitudes.

16 That the basic goals of the movement remain  
17 unachieved and still resisted confirms their profound  
18 nature. It was the belief of the Women's Liberation  
19 Front, which was the group which I began my involvement  
20 in, in the movement as a whole, that patriarchal,  
21 racialised capitalism cannot, and will not, meet those  
22 goals.

23 Discovering that groups I was involved in, and  
24 the Women's Liberation as a whole, were secretly  
25 surveilled has been a traumatising experience. It's

1 harrowing to find out about the pernicious attitudes of  
2 officers masquerading as comrades and friends and  
3 sisters who inveigled their way into our homes,  
4 families, meetings and lives, and the betrayal of trust  
5 is unforgivable.

6 Many of the groups I belonged to are long gone, but  
7 the state bodies represented at this Inquiry, despite  
8 their nuclear weapons, army, police and air force and  
9 tactic of manufacturing consent, including the ability  
10 to issue D notices to stifle reportage, are beset with  
11 fragility. The Inquiry is at pains to protect  
12 the anonymity and feelings of State's enforcers,  
13 the secret police, who are "embarrassed" that their  
14 friends and families might find out about their  
15 abhorrent occupation.

16 They claim that they are in peril from those of us  
17 who have campaigned against imperialism and colonialism,  
18 for peace, women's rights, workers' rights, and against  
19 the state's brutal treatment of people of colour,  
20 including deaths in state custody, which totalled 1,737  
21 since 1990.

22 I'm going to turn now to some further troubling  
23 aspects of the Inquiry.

24 The Covert Human Intelligence Sources (Criminal  
25 Conduct) Act 2021 legalises all the criminality the

1 spycops engaged in, though not retrospectively. What is  
2 the point of the Inquiry now? In a democratic system,  
3 are inquiries not designed to inform governments, to  
4 help them fashion good laws, or at least benign ones?

5 In January 2020, a police counter-terrorism document  
6 produced by the equivalent unit responsible for the  
7 Special Demonstration Squad, listed the Campaign for  
8 Nuclear Disarmament, the Campaign Against the Arms  
9 Trade, Stop the War and the Palestine Solidarity  
10 Campaign as "extremists".

11 The Palestine Solidarity Campaign was established  
12 soon after the 1967 Israeli occupation of the West Bank,  
13 Gaza, The Golan Heights, the Sinai and parts of Southern  
14 Lebanon. Its aims were, and still are, to call on  
15 the British Government to pressure Israel to abide by UN  
16 resolutions and international and human rights law.  
17 I joined the PSC upon learning the truth of the history  
18 of Palestine, subsequently visiting the West Bank and  
19 Gaza on a fact-finding tour, and becoming an executive  
20 committee member and women's officer of PSC.

21 As successive governments have not acted despite  
22 Britain's special responsibility for the colonisation of  
23 Palestine, and given Israel's intensification of  
24 oppression of the Palestinian people, the PSC continues  
25 its solidarity role as a mainstream, campaigning

1 organisation with substantial public support.

2 This activism brings together my commitment to  
3 anti-racism and women's liberation, for women cannot  
4 exercise what should be their unhampered right to strive  
5 for freedom under a brutal military occupation and  
6 genocidal apartheid regime, which destroys essential  
7 civil society infrastructure. In this, as in other  
8 instances, international feminist solidarity is,  
9 I believe, essential.

10 If I was under surveillance in 1970 as a member of  
11 the Palestine Solidarity Campaign, am I under  
12 surveillance now? I became far more active in PSC in  
13 the early 2000s, following the Second Intifada, than  
14 I was in the 60s and 70s, and remain so.

15 Where are the documents?

16 While the state can rely on privileged sections of  
17 society, plus the main political parties, to support its  
18 authoritarian imperative and McCarthyite political  
19 culture, it may be more difficult to justify the  
20 surveillance of women who were organising jumble sales,  
21 campaigning for equal pay, childcare, equal education,  
22 reproductive rights, and an end to male violence.

23 According to reports made available, HN348 spied on  
24 77 meetings during her deployment, of which 55 were  
25 related to the Women's Liberation Movement. If

1 the length of her deployment is as she claims, she must  
2 have attended more meetings than I did. Yet,  
3 the Inquiry appears intent on restricting the scope of  
4 its remit to investigate the extent of spying on  
5 the Women's Liberation Movement. The Inquiry is  
6 colluding with the state by constraining the search for  
7 wider evidence.

8 What do we find when we read the UCOs' reports?

9 We find the work of people acting in good faith in  
10 the hope of creating a future free of oppression, as  
11 seen through the grubby, distorting lens of officers  
12 incapable of understanding what they're spying on.  
13 The reports lay bear the prejudices, bigotry and  
14 ignorance of the kind that provoked the movements being  
15 infiltrated. This is surely the great irony regarding  
16 the covert surveillance this Inquiry is investigating:  
17 that it demonstrates precisely the reasons for  
18 the impetus for the very existence of the movements they  
19 were spying on.

20 We see a shameless assumption of entitlement, and  
21 a complete lack of conscience, behaviour devoid of any  
22 compunction about intruding into people's lives and  
23 hopes. We see the state-sanctioned sexual abuse of  
24 women used as objects by men; disregard for the lives of  
25 Black and Brown people and women; racist assumptions of

1 white supremacy; state brutality and indifference to  
2 human rights; attempts to curtail and control peaceful  
3 demonstrations, democratic campaigning, and  
4 the privileging of property and profit before people.

5 To read these reports is to see some of the greatest  
6 ideas of our time crushed into the narrow confines of  
7 a mentality absolutely lacking in the capacity to  
8 comprehend them. The undercover police officers'  
9 failure to acknowledge the enormity of their wrongdoing  
10 perpetuates a culture of impunity.

11 We see the callous use of women's bodies by  
12 misogynist male officers who see such abuse as a perk of  
13 the job, and a confluence of the sexist behaviour and  
14 patriarchal attitudes of some so-called left wing men in  
15 socialist groups and that of those spying on them. We  
16 see the farce of female officers, paid less than their  
17 male counterparts, spying on women's organisations  
18 campaigning for equal pay. One of these, HN348, gives  
19 a prurient homophobic account of spying at a national  
20 Women's Liberation Movement conference. Was she asked  
21 to report on this particular aspect? If so, why? If  
22 not, why did she make these comments? What could  
23 possibly justify such intrusiveness?

24 This Inquiry reiterates the intrusive processes of  
25 surveillance, requiring the victims of spying to explain

1 and justify themselves, when it is the perpetrators of  
2 surveillance who should be interrogated and held  
3 accountable.

4 Remarkably, we witnesses are again being subjected  
5 to intrusion into our personal and political lives, as  
6 if some retroactive justification could thereby be found  
7 for utterly dishonourable and indefensible police  
8 actions, whereas the perpetrators of abuse are granted  
9 impunity, anonymity, or the refuge of poor memory.

10 A primary function of progressive movements is  
11 the denaturalising of social relations, revealing that  
12 they're not inevitable or immutable, that white and male  
13 supremacy are created, not innate; that gender roles are  
14 socially constructed; that racism, heterosexism and  
15 sexism can be challenged and refuted; that it's not true  
16 that, as Winston Churchill said, white people  
17 constitute "a stronger race, a higher grade race", that  
18 has a right to subjugate indigenous people. That  
19 impoverishment, homelessness, hunger and lack of  
20 resources stem not from individual failings but  
21 deliberate policy decisions.

22 Political activism makes it clear that human nature  
23 is not a-historically fixed in selfishness, but contains  
24 great variety of potential, such as that for cooperation  
25 not competition. As the saying goes, another world is

1 possible.

2 As soon as these assertions are made, they're  
3 contradicted by those defending existing power  
4 structures. Whenever a seismic shift promises to bring  
5 about social change to improve the world, a backlash  
6 inevitably arises from those with vested interests who  
7 benefit from the status quo. So it is with  
8 the movements to save our planet from the unfolding  
9 climate catastrophe, to end white and male supremacy, to  
10 free people from exploitative labour, and liberate  
11 women from all forms of oppression.

12 The idea of defunding the police is deliberately  
13 misunderstood, but expresses the optimistic hope of  
14 transforming the police into a force for good, tasked  
15 with protecting people from harm, safeguarding society  
16 from destructive criminality, upholding principles  
17 against corruption, violence and injustice.

18 Representational politics, the notion that having  
19 women or people of colour in positions of power will  
20 bring about positive change in itself, are clearly  
21 inadequate, as the examples of Margaret Thatcher,  
22 Golda Meir, Priti Patel, etc, have shown. Having  
23 a female police chief is meaningless without a change of  
24 culture and policy. Can we not imagine an alternative  
25 to punitive law enforcement and incarceration, and

1 invest instead in other models centred in community, in  
2 schools, healthcare, and other methods of keeping  
3 communities safe?

4 I'm returning now to the theme of the continuum that  
5 I mentioned earlier.

6 It's patently obvious that a thread runs through  
7 police policies and strategies from the time when  
8 surveillance of myself and my colleagues began to  
9 the present day.

10 The UCO reports from the 1970s reveal the systemic  
11 sexism, racism and right wing prejudices that have  
12 manifested repeatedly in, for example, the egregious  
13 exploitation of women deceived into intimate  
14 relationships by male officers, and the despicable acts  
15 of spying on the bereaved family of Stephen Lawrence and  
16 on Celia Stubbs, partner of the murdered anti-fascist  
17 Blair Peach.

18 Endemic and horrendous violence against women  
19 continues, yet the criminal justice system fails to  
20 provide justice to victims of sexual and domestic  
21 assault and abuse. Black people are killed in custody  
22 and justice is never served. Indeed, Leroy Logan,  
23 founding member and chair of the Black Police  
24 Association, commented after the police action at  
25 the vigil for Sarah Everard that the Met seemed to have

1           gone backwards from the time when it seemed to him  
2           the McPherson Report brought a glimmer of  
3           the possibility of change.

4           Again, I have to ask: if I was under surveillance in  
5           1971 as a Women's Liberation activist, am I under  
6           surveillance now? I've been actively involved in  
7           the Women's Liberation Movement throughout my life,  
8           attending meetings and conferences. My involvement  
9           post-1973 is public knowledge.

10           I was frequently contacted by the media for comment.  
11           For example, Prince Charles told the Sun in  
12           November 1975 that:

13           "Women's Liberationists rather annoy me because they  
14           tend to argue all the time and start calling you a male  
15           chauvinist pig. Frankly, it becomes rather  
16           uncivilised."

17           The paper wrote:

18           "A rap came from women's libber Mrs Diane Langford  
19           last night. Mrs Langford, 33 year-old secretary of  
20           the Women's Liberation Front said: 'I consider his views  
21           on women's liberation completely valueless.'"

22           Yet, the Inquiry declines to do a full search of my  
23           police records after 1973, or those relating to  
24           the Women's Liberation Movement as a whole.

25           As we learn more about surveillance capitalism,

1 I have to ask whether I'm under surveillance as I sit  
2 here reading this.

3 Amnesty International, who have taken the government  
4 to court over GCHQ's Tempora Programme, have warned:

5 "The revelations around Tempora show that a wide net  
6 is being cast through our private lives. It's not being  
7 done with any grounds for suspicion, it's being done to  
8 find the grounds for suspicion."

9 Furthermore, the entangled means of surveillance,  
10 control of knowledge, authority and power have developed  
11 far beyond the crude phone-tapping of the 60s when  
12 a voice would cut into a conversation asking, "Can you  
13 speak up, please, I didn't catch that last bit?" Or  
14 the white van parked outside our flat with aerials  
15 sprouting from it, the occupants of which would accept  
16 a cup of tea if we banged on the rear door. Or, two men  
17 sitting behind us on the bus, to whom we referred  
18 the conductor to collect our fares, and they would pay  
19 up.

20 Despite the development of mind-boggling algorithms  
21 and digital surveillance techniques, is there much  
22 difference between the secret police methods and  
23 the harvesting of personal data by means of artificial  
24 intelligence? Our personal data was hoovered up  
25 mindlessly and meaninglessly with as little empathy as

1 if by an algorithm. This was illustrated time and again  
2 by HN45 and HN348.

3 For example, a report authored by HN348 on August 1,  
4 1972:

5 "So-and-so [a woman's name is given] is a member of  
6 the Revolutionary Women's Union. She lives in a council  
7 flat at [address given] with her two children aged  
8 six-and-a-half years and three years and her mother [and  
9 the mother is named also]. She is a divorced woman and  
10 is in receipt of £8.50 per week Social Security. She  
11 attends Revolutionary Women's Union meetings regularly  
12 and is particularly interested in agitating for 24-hour  
13 nurseries.

14 "This woman is on very friendly terms with [another  
15 woman is named here]. Her description is: aged about  
16 23 years, very thin build, medium length fair hair, blue  
17 eyes, very pale complexion, poorly clothed but neat and  
18 tidy, wears black rimmed glasses, cockney accent."

19 The internationally celebrated artist David Medalla,  
20 who passed away last January, is described by HN348 like  
21 this:

22 "... Asian features and colouring, dirty appearance,  
23 very poorly clad. He is very opposed to the current  
24 Government in the Philippines."

25 That was October 1971, so just to provide historical

1 context, the government was the notorious Marcos  
2 dictatorship.

3 Mary Spurr, representing the Post Office Workers  
4 Union, was described by HN348 as a "bleached blonde",  
5 while Ms Spurr's testimony about the humiliating  
6 conditions she and her co-workers were subjected to  
7 as "Hello Girls" at telephone exchanges was not deemed  
8 "of interest".

9 HN348 even spied on the Schools Action Union. This  
10 is another interesting example of the continuum I was  
11 speaking about earlier, as Dulwich College, the site of  
12 one of the Schools Action Union's largest demonstrations  
13 against corporal punishment, is back in the news with  
14 accusations of a rape culture reminiscent of the 60s.

15 HN348 collected a sample of a woman's handwriting,  
16 a woman whose home she had been invited into. This  
17 woman's name and address feature in the files, but she  
18 herself remains in blissful ignorance and has not been  
19 contacted by the Inquiry.

20 Browsing the disclosure provided by the Inquiry,  
21 I came across other disgusting examples of racism and  
22 sexism.

23 On 1 June 1978, a report about the Federation of  
24 London Anarchist Groups informs the Special Branch that  
25 a subject had cut off his beard "to reveal that he has

1 a long face, large Jewish nose and full lips".

2 A report signed off by Angus McIntosh, about  
3 the women's organiser of International Socialists, dated  
4 October 1976, states she has a "typically Jewish lilt to  
5 her ... and rather prominent nose, always scruffily  
6 dressed in blue jeans and T-shirt (without a bra)."

7 "A negress was in the audience ..." according to  
8 a report on a weekly meeting of Hackney International  
9 Socialists at Centreprise in Dalston. The meeting  
10 discussed self-defence strategies for victims of  
11 Physical attacks by the National Front.

12 What was Special Branch doing to stop  
13 the National Front from attacking people of colour?  
14 They were spying on anti-racists and hanging out in  
15 their "safe houses".

16 Angus McIntosh signed off on a report of another  
17 IS meeting, dated 23 August 1975, describing a woman  
18 speaker as "attractive".

19 Document 15145 describes a man as "an avid reader of  
20 Gay News with an 'effeminate manner'". This guy was  
21 a member of SWP, but because of shift work he didn't  
22 attend meetings.

23 Personal details and a photograph of a woman in  
24 the Hackney branch of Women's Voice appear in a report  
25 dated May 1975, describing her as "... a divorced woman

1           who has a daughter aged six years".

2           These patronising violations of people's personal  
3           space, of suppressing a child's right to demonstrate  
4           against state-sanctioned physical abuse, the racist,  
5           anti-semitic, sexist and judgmental descriptions of  
6           people's personal appearances that filled the notebooks  
7           of the secret police may not amount to much in the eyes  
8           of the Inquiry. It's the accretion of them that is  
9           the stuff of authoritarian regimes, hence the expression  
10          that was used in the past "petty apartheid".

11          It's important as well to appreciate that  
12          the Revolutionary Socialist Students' Federation,  
13          another targeted group of which I was a member, as well  
14          as opposing imperialism and racist wars, campaigned for  
15          the inclusion of Shostakovich and jazz on the curriculum  
16          at the Royal Academy of Music. Today, we see another  
17          period of curtailment of the curriculum to fit in with  
18          utilitarian, exploitative objectives.

19          I want to say something now about the portrayal of  
20          my late, former partner, Abhimanyu Manchanda.

21          Doubtless he was under surveillance prior to  
22          the time frame of this Inquiry, having taken part in  
23          the Indian independence struggle, and as the former  
24          partner of the late great Claudia Jones, with whom he  
25          edited the leading Black newspaper

1 the West Indian Gazette.

2 HN45 displays a vindictive hatred of Manu and  
3 a peculiar obsession with our personal relationship and  
4 childcare arrangements. He sent detailed reports to  
5 the Special Branch about what he apparently saw as  
6 transgressive behaviour -- a man looking after his own  
7 child -- and expressing horror that I was "sent out to  
8 work". He informs his superiors of Manu's "insufferable  
9 anecdotes" about our baby. Strangely, nothing in there  
10 about us overthrowing the state machine.

11 HN45, "Dick Epps", et al, were part of  
12 a manipulative, racist endeavour to justify their pay  
13 packet by portraying Manu as being an imminent danger to  
14 the state, implying he espoused the idea of going on  
15 demonstrations only to foment violence. This is utter  
16 rubbish. He never had any illusions about  
17 the possibility of "smashing the state machine". On  
18 the contrary, he was pragmatic about the possibility of  
19 challenging the power of the state head on. His  
20 scepticism about the willingness of sections of  
21 the white working class to give up privileges derived  
22 from colonialism annoyed many on the left and,  
23 apparently, HN45.

24 Why does the Inquiry refer to Manu as "Manchanda"  
25 while using the full names of others? The Inquiry has

1 picked up on the divisive tactic of labelling anti-war  
2 campaigners as "doves" or "hawks". Manu and Tariq Ali  
3 happened to be from colonised countries; this was a  
4 familiar ruse used by the corrupt colonial  
5 administrators of empire drawing on hundreds of years of  
6 experience of divide and rule.

7 I attach a document to my witness statement,  
8 a contemporaneous New York Review of Books article by  
9 the American novelist, Mary McCarthy, who saw Manu  
10 differently:

11 "The Manchanda group had been described in  
12 the newspapers as favouring violence, and the Tariq Ali  
13 group not, but actually Tariq Ali was organising  
14 dramatically for violence ..."

15 Of course, we're talking here about police violence:

16 "... that list of first-aid stations, the  
17 instructions published in The Black Dwarf on what to do  
18 when gassed -- on the supposition, amounting to  
19 prophecy, that the police would start or 'provoke' it,  
20 whereas Mr Manchanda, when I asked him whether it was  
21 true that he planned to storm the US Embassy, shrugged  
22 and said simply, 'We are too few.' In Grosvenor Square,  
23 the next day, a lilting voice I thought I recognised as  
24 his could be heard urging restraint on the crowd, though  
25 possibly this was merely pro forma."

1           This full essay is worth reading, as McCarthy gives  
2 an evocative description of the time and place.

3           The reason for spying on us was to gather  
4 intelligence about forthcoming demonstrations and  
5 possible infractions of public order. The futility of  
6 this is illustrated by a demonstration consisting of  
7 a maximum of a dozen of us walking with cardboard  
8 placards in support of Huey Newton in 1970. We were  
9 astonished to arrive at Grosvenor Square to be met by at  
10 least 1,000 uniformed police and row upon row of cars  
11 parked up in the side streets, vans parked up.

12           In my witness statement, I dealt with the Inquiry's  
13 inappropriate Rule 9 written questions about my personal  
14 relationship with Manu.

15           Now I'd like to examine the significance of another  
16 question, which was numbered 11.3, in which the Inquiry  
17 refers to a list of targets for picketing, and asks my  
18 view of these proposed actions.

19           On the list were Dow Chemicals and The Playboy Club.  
20 These represented two of the campaigns I was deeply  
21 involved with. What did the Inquiry have in mind when  
22 they asked me about Dow Chemicals? Is the implication  
23 that Dow Chemicals, whose inhuman war crimes have never  
24 been accounted for, was under the protection of  
25 the British state?

1           It may help the Inquiry to know that Dow Chemicals  
2           was the manufacturer of Napalm, a firebomb fuel/gel  
3           mixture used by the American military against Vietnamese  
4           civilians. The gel-like constituency, especially  
5           developed by Dow, allows the substance to stick to human  
6           flesh, so that its targets cannot extinguish the fire or  
7           brush it away. First, it burns through their clothes,  
8           then their skin, then their flesh and bones.

9           A nine-year old Vietnamese child's infamous  
10          portrayal as "Napalm Girl" was the subject of  
11          a photograph published worldwide. She was running naked  
12          in the middle of a fireball, her skin peeling away in  
13          fiery sheets as she ran. Her name was  
14          Phan Thi Kim Phuc.

15          A New York Times article in March 2019, "Why Napalm  
16          is a Cautionary Tale for Tech Giants Pursuing Military  
17          Contracts", advises Google, Amazon and Microsoft not to  
18          get involved with defence contracts.

19          Dow Chemicals is cited as an example of what can go  
20          wrong. The paper warns that Dow only received a measly  
21          \$5 million for the Napalm contract, ultimately  
22          sacrificing billions of dollars of lost revenue due to  
23          reputational damage. I plead guilty to being one of  
24          those who helped cause reputational damage to  
25          Dow Chemicals.

1           The continuum I spoke of earlier can be perceived in  
2           UK state protection being accorded to Israeli arms  
3           manufacturers, in particular Elbit, who boasts that  
4           their equipment is "battle tested" on Palestinians,  
5           despite widespread public disgust at the brutal  
6           treatment meted out to Palestinian civilians.

7           What was behind the Inquiry's question about  
8           picketing The Playboy Club? Does the Inquiry  
9           regard The Playboy Club, whose employees are referred to  
10          as "Bunny Girls", as an institution worthy of special  
11          protection by secret police?

12          I agree with Alice Robson, reviewing "Misbehaving --  
13          Stories of Protest Against the Miss World Contest and  
14          the Beauty Industry", who wrote, in Red Pepper:

15          "A distance of 50 years didn't lessen my revulsion  
16          at hearing that pageant host Bob Hope bragged about  
17          taking the winner to Vietnam to 'give the GIs the hots'.  
18          It feels like a triumph when he is driven from  
19          the stage."

20          HN348 referred to the 1970 Miss World protest as an  
21          event that was organised by the Women's Liberation Front  
22          prior to her deployment. The protest against  
23          the Miss World Contest was not organised by  
24          the Women's Liberation Front, although I did attend  
25          the demonstration. It was a magnificent disruption of

1 an exploitative commercial event degrading to women. It  
2 was not a threat to public order or security.

3 When she attended the 1972 National  
4 Women's Liberation conference at Acton Town Hall, what  
5 was HN348's motivation in describing women kissing? Did  
6 her handlers ask her if there were lesbians at  
7 conferences? Was she hoping these reports would find  
8 favour with her voyeuristic bosses? If not, why did she  
9 deem it important to report to her handlers about women  
10 displaying affection, the music played "to get people in  
11 the mood", and details of food and drink served?

12 Despite her writing one of the longest reports I've  
13 seen in any of the available documents, that includes  
14 several pages of description of the food, drink and  
15 music, and scenes of women showing affection, HN348 told  
16 the Inquiry:

17 "I was not specifically instructed to report back  
18 everything and part of my role would have been to filter  
19 out certain things from very long meetings."

20 Did her handlers ask her to collect information on  
21 the numbers of people of colour at every event she spied  
22 on? If, as claimed, she didn't recognise the language  
23 used in some of the reports attributed to her, does she  
24 stand by the content of these reports? Was there  
25 a double, or even triple, input into the writing of

1 reports? According to her account, first she writes by  
2 hand, then it's typed up by another spycop working in  
3 the back office. Is she suggesting that the ignorant  
4 and voyeuristic comments therein were added by a second,  
5 or even a third person?

6 I'd like to move on to some deeper problematic  
7 issues associated with the Inquiry.

8 The trajectory of the Inquiry so far raises  
9 questions concerning shibboleths such as the separation  
10 of state and judiciary and policing by consent.

11 In the United States, Angela Davis,  
12 the Black Lives Matter movement and others have made  
13 mainstream the abolitionist concept of truly policing by  
14 consent. Where might unbridled state surveillance fit  
15 in to the concept of policing by consent?

16 I have no sympathy for the SDS, yet I found  
17 the psychiatric reports on one officer, in his plea to  
18 avoid accounting for himself before the Inquiry,  
19 distressing. The officer had developed a dual  
20 personality disorder and was happier living in his  
21 legend identity than he was in his actual one. He  
22 exhibited symptoms of severe PTSD. His suitability for  
23 the so-called "work" he was doing had never been  
24 assessed, nor had he received any treatment or  
25 counselling. He was used as cannon fodder by the state,

1 placing those close to him in jeopardy.

2 Inquiries since the McPherson Inquiry have been  
3 devalued by the manner in which they have determinedly  
4 obstructed genuine inquiry. For example, Priti Patel  
5 set up an inquiry into the atrocious police violence  
6 against women at Clapham Common, an incident that she  
7 herself set in train.

8 While the Inquiry is so heavily weighted in favour  
9 of the state, how are we going to find out when  
10 the abuse started? I hope the Inquiry will not be  
11 deflected by the myth of a few rotten apples.

12 The cynical attitudes of the UCOs as evidenced by  
13 their misogynist reporting in the past and current lack  
14 of remorse makes it evitable that any opportunity to  
15 take advantage of women would have been taken. There's  
16 never just one cockroach.

17 Where are these files kept? Who has access to them?

18 Dozens of people, whose names recur in the files  
19 I have had sight of, have absolutely no idea that  
20 the secret police came into their homes under false  
21 pretences and spied on them. At the bare minimum,  
22 anyone whose private space was violated, resulting in  
23 them being named in these files, should be informed and  
24 invited to be part of the Inquiry.

25 The asymmetrical structure of the Inquiry is

1 a bulwark against truth, transparency and  
2 accountability.

3 I'm in awe of the lawyers working so hard on behalf  
4 of the non-state core participants. The state bodies,  
5 including the National Police Chiefs' Council,  
6 the National Crime Agency, the Met, the Home Office,  
7 etc, have their own various teams.

8 Then there are the police CPs: designated lawyers  
9 for Met officers and individual officers who have  
10 decided not to be represented by the Met. All are  
11 funded separately, so they all get to put forward their  
12 own positions, whereas the hundreds of non-state  
13 core participants are often limited to one legal team,  
14 funded directly by the Inquiry. Hence, it's something  
15 of a fluke that I was eventually called to provide my  
16 recollections.

17 I believe my own lawyers have just a small team of  
18 two present throughout to represent all non-state CP's  
19 generic interests. My barrister and solicitor are only  
20 funded to be present at the hearings on the days when  
21 I give evidence and when a witness directly related to  
22 me gives evidence. It's my understanding that state  
23 bodies and their designated lawyers will have a presence  
24 throughout. Is that fair? Is that balanced?

25 If the state is investigating the state, isn't that

1 the ultimate conflict of interest?

2 Regarding the anonymity granted to UCOs, naturally,  
3 those of us who were spied on wish and need to see  
4 the faces of those responsible, in order to have  
5 closure. Otherwise, we continue to suspect our friends  
6 and fellow activists -- a corrosive byproduct of  
7 the indefensible violation of human relationships  
8 perpetrated by undercover officers. But, instead, they  
9 are granted anonymity.

10 A request for a photograph of HN348 was declined by  
11 the Inquiry, as they were not holding one in their  
12 files. Why not ask HN348 to supply one, as requested by  
13 my legal representative?

14 None of this inspires confidence. Rather, it bears  
15 out the idea that, as Audre Lorde put it, "the master's  
16 tools will never dismantle the master's house".

17 It is clear that women, people of colour and others  
18 working for a better world will need to continue with  
19 our grassroots campaigning on behalf of ourselves and  
20 one another. However, my hope is that this Inquiry will  
21 in fact prove useful to us in such struggles for  
22 justice, human rights and freedom.

23 Thank you.

24 THE CHAIRMAN: Thank you.

25 We will now hear a statement from "Madeleine".

1 I, Counsel to the Inquiry, her recognised legal  
2 representative and, with her consent, "Rosa", will both  
3 see and hear her opening statement. No one else will  
4 see it, but will be able to hear it.

5 Madeleine, would you like to begin?

6 Opening statement by "MADELEINE"

7 MADELEINE: I'm known in this Inquiry as "Madeleine". I was  
8 granted anonymity and invited to become  
9 a core participant because I was deceived into an  
10 intimate sexual relationship with an undercover officer  
11 in the SDS who I knew as "Vince Miller".

12 The relationship happened over 40 years ago and  
13 lasted for a period of time over the summer and early  
14 autumn of 1979, when he suddenly disappeared. I knew  
15 him for three years after he infiltrated my SWP branch  
16 at the beginning of 1977.

17 "Vince Miller", HN354, has admitted to a total of  
18 four sexual relationships during his unremarkable  
19 deployment, but at the present time only his undercover  
20 name is known to me.

21 The Chair has now decided to revoke the anonymity  
22 order granted to HN354, and to release his real name.  
23 I would like to thank the Chair for this decision. It's  
24 absolutely the right thing to do, but for the wrong  
25 reason, as HN354 shouldn't have had his identity

1           protected in the first place. HN354 lost the right to  
2           privacy due to his abusive acts, and no legitimate  
3           reasons have been given for withholding his real name.

4           The innocent victims of sexual abuse by  
5           undercover officers are neither violent nor criminal.  
6           We pose absolutely no threat to these officers or their  
7           families. Our involvement with the Inquiry is simply to  
8           help uncover the truth. Anonymity and secrecy are  
9           hampering this process of discovery, and denying many of  
10          the victims the knowledge that they, too, have been  
11          affected, and preventing them from coming forward.

12         THE CHAIRMAN: Please forgive me for interrupting you, but  
13          you are going a little fast.

14         MADELEINE: I'm sorry. I'm slightly nervous.

15         THE CHAIRMAN: I fully understand that.

16                 If you could go a little more slowly, they would  
17          appreciate it.

18         MADELEINE: Okay, I will.

19         THE CHAIRMAN: Thank you.

20         MADELEINE: I would also like to thank the Chair for giving  
21          me the opportunity to share my experience and to tell me  
22          story, as I believe that the voices of those affected by  
23          undercover policing should be at the very heart of this  
24          Inquiry. Without our knowledge and understanding of  
25          the events described in these reports, and without our

1 perspective, this whole Inquiry is in danger of becoming  
2 a sham.

3 More than 1,000 groups, almost exclusively left  
4 wing, have been targeted over many decades.  
5 The condemnation and branding of legitimate political  
6 activists as "subversives", "dangerous extremists",  
7 "violent hooligans" and "troublemakers" which has been  
8 exposed in these reports provides justification and  
9 allows the suppression by the UK state of the ideas and  
10 dissenting voices of anyone who dares to question and  
11 challenge the status quo.

12 The reports paint a picture of people unrecognisable  
13 from my own experience, and knowing that some of these  
14 words were written by someone I trusted and cared about  
15 is deeply painful. "Compassionate", "honest" and  
16 "brave" are the words that I would use to describe my  
17 friends and comrades. They're ordinary, decent human  
18 beings. Not thugs, not the enemy within, but  
19 principled, caring and idealistic people, fighting for  
20 a better world.

21 This whole sorry saga needs to be understood and  
22 framed as the logical expression of the actions of  
23 a state and security apparatus wedded to the interests  
24 of the ruling class. It's not about the actions of  
25 numerous, out-of-control, rogue cops, but of policing

1 directed from the highest level. To undercover  
2 the truth, it's essential that this Inquiry proceeds in  
3 an open, collaborative way, and it needs to be seen to  
4 be committed to this aim.

5 I'm sure there are many differences of opinion,  
6 beliefs and backgrounds represented in this process, but  
7 these differences must not impede or be a barrier to  
8 understanding. Throughout history, the voices of  
9 ordinary people have been silenced and gone unheard.  
10 This needs to change.

11 Since the discovery that I'd been targeted and  
12 abused by "Vince Miller", I've thought long and hard  
13 about the past. The simplest way for me to begin to  
14 unlock the bewildering sense of injury that I feel, and  
15 to help me navigate a way through this whole process, is  
16 to tell me story and share it as it is. This is my  
17 story.

18 I come from a large, poor working class family. My  
19 father was a lifelong socialist, an active trade  
20 unionist and shop steward, and was a committed  
21 anti-fascist. He was at the protest at Olympia in 1934,  
22 and at Cable Street in 1936, where he joined thousands  
23 of East Enders who fought to stop Oswald Mosley and  
24 the British Union of Fascists from marching into  
25 a largely Jewish area, to intimidate and attack

1 the community.

2 In 1937, at the age of 18, my dad was also one of  
3 several thousand British men and women who went to Spain  
4 as volunteers to fight alongside the International  
5 Brigades, to support the Spanish Republic against  
6 the fascists during the Spanish Civil War. He witnessed  
7 the obliteration of Guernica, when Franco, with Nazi  
8 help, carried out an aerial bombing attack.

9 Back in the UK, my father enlisted and joined  
10 the British army. He saw the sympathy that many of the  
11 ruling class had for Mosley, and feared that if Hitler  
12 wasn't defeated, fascism would take root here.

13 My father was an internationalist and a fighter for  
14 freedom. In 1940, he was evacuated from the beach at  
15 Dunkirk whist under intense German bombardment. After  
16 Dunkirk, my dad took part in the Burma campaign. He was  
17 present at the Battle of Kohima, before he was invalided  
18 out with malaria, dysentery and PTSD.

19 Memories of Kohima haunted him for the rest of his  
20 life. He couldn't talk about the war, and he abhorred  
21 violence. I'm hugely proud of my father and of the part  
22 he played in defeating the forces of barbarism and  
23 helping to protect the people of this country during  
24 World War II. And yet my dad would also have been  
25 regarded as subversive and a dangerous extremist.

1           An adviser to Heath's government in the 1970s argued  
2           that militant shop stewards in industry should be jailed  
3           in much the same way as the police should apprehend  
4           a common thief, confirming that even a man like my dad  
5           was seen as the enemy within by the ruling class.

6           My parents and my family's history have been hugely  
7           influential in shaping my own political views.

8           As I grew up, I was aware that every advance for  
9           the working class was hard-won and had been bitterly  
10          fought for. History shows us that nothing has ever been  
11          granted from above, it's only through collective action  
12          and the struggles of workers themselves that their lives  
13          have ever improved. Aware of the dangers to humanity  
14          posed by fascist and racist ideologies, combined with  
15          a strong sense of injustice, I became politically active  
16          in my early teens.

17          My memories of my time in the SWP involve attending  
18          and organising branch and public meetings, and endless  
19          discussion and debate. We were open and welcoming, and  
20          we certainly had nothing to hide. We leafletted and  
21          sold the Socialist Worker newspaper on the high street,  
22          on estates, on pickets and on demonstrations. In other  
23          words, we operated within the law in a perfectly  
24          peaceful and democratic fashion. "Vince Miller" first  
25          made contact with our branch at the regular Saturday

1 paper sale at the top of Walthamstow Market.

2 Then why, in spite of our wholly legitimate  
3 activities, was the SWP heavily targeted by  
4 the security services, and infiltrated by the SDS?

5 Seventeen spycops were embedded in our party, and  
6 yet, in truth, the biggest threat to democracy in the UK  
7 at this time was not from the left, but from  
8 the reinvigoration of fascism, which once more began to  
9 emerge from the shadows and reveal its ugly face.

10 For those who remember the late 70s, it was a dark  
11 and very frightening time. The parallels with the 1930s  
12 were stark, as unemployment rose and far right parties  
13 sought to capitalise on this crisis for political gain.  
14 Disillusioned and deprived urban communities in  
15 particular fell prey to the racist rhetoric and false  
16 patriotism of groups like the National Front, the NF --  
17 a Nazi group who paraded with the Union Jack, but whose  
18 real allegiance was to the swastika.

19 Published images of Martin Webster and Colin  
20 Tyndall, leaders of the NF, show them posing in fascist  
21 uniforms in front of pictures of Adolf Hitler. In  
22 public, however, they campaigned on issues of  
23 immigration control and law and order, painting black  
24 people as muggers and criminals who should get back to  
25 their own country, and characterising Asian communities

1 as unsanitary and riddled with disease.

2 As electoral support for the far right exploded,  
3 the NF boasted a growing membership of 20,000, and  
4 launched a violent race war against black and Asian  
5 people across the UK. Between 1976 and 1981, 31  
6 suspected racist murders were committed and dozens of  
7 racist attacks were carried out.

8 Fully understanding the danger posed by the far  
9 right, the left mobilised and campaigned against  
10 the NF and other fascist groups, and challenged the vile  
11 hate they spewed.

12 In response, the fascists attacked the left with  
13 increasing violence, attacking paper sellers and  
14 meetings and committing arson. Race Today described  
15 the climate of spiralling racist attacks in the East End  
16 thus:

17 "Already the beatings, the knifings, the kickings  
18 are on the increase. A few days ago a young Asian on  
19 his way home from work ... almost had his ear severed  
20 from his head by a gang of white knife-wielding thugs.  
21 The life of another young Asian hangs in the balance  
22 after he was bludgeoned by racists who broke into his  
23 flat."

24 On hearing of the murder of Gurdip Singh Chaggar in  
25 1976, John Kingsley Read, an elected National Party

1           councillor, said, "One down, one million to go".

2           With acts of violent criminality and the fascist  
3           paper Spearhead openly spouting anti-Semitism, Holocaust  
4           denial and National Socialist ideology and expressing  
5           the view that Britain fought on the wrong side in World  
6           War II, one has to ask: where was the monitoring of  
7           the far right by our Security Services?

8           The location of much racist violence, Brick Lane  
9           itself couldn't be a more potent symbol and a target for  
10          everything that fascists hate. The Bladebone Pub at  
11          the top of the Lane was a well known haunt of the NF.  
12          Every Sunday after the street market, the fascists would  
13          get tanked up and rampage down the Lane, attacking  
14          people and vandalising shops. After a woman and her  
15          daughter were attacked by a vicious dog trained to bite  
16          on command, the community had to organise and act in  
17          self-defence. Patrols were set up to keep the area safe  
18          from racist attacks, particularly at night and after  
19          prayers.

20          The left responded to calls from members of  
21          the community to help protect Brick Lane. Our presence  
22          was welcomed by locals, reassured they had support and  
23          were not alone.

24          Yet, HN354 has described Brick Lane Market as  
25          heavily policed, and the top of the Lane as being

1 the site of a "territorial" dispute between the SWP and  
2 the NF over who could get to occupy the most  
3 advantageous spot to sell papers. His equivalence of  
4 the SWP with the NF is telling. He talks of staying  
5 overnight and securing the pitch and was heavily  
6 involved. He heard the NF abuse and was aware of  
7 the threat. As many of the far right were hardened  
8 street fighters, the truth is that there was no heavy  
9 policing, except perhaps when the SWP was visible  
10 selling papers.

11 Interestingly, HN354 doesn't report an attack which  
12 happened en route to Brick Lane involving the notorious  
13 fascist Derek Day, who boarded the bus that I was  
14 travelling on with other SWP members and threatened us  
15 with violence. "Vince Miller" would have been told  
16 about this, so where are the reports? Was Day being  
17 monitored? And if not, why not?

18 Why was it down to the left to help protect our  
19 citizens, with the police nowhere in sight?

20 Sympathy towards the NF in the police has been  
21 evidenced. The police report on the speech given by  
22 John Tyndall at the NF march at Lewisham describes his  
23 delivery as "forceful" as ever. But why is there no  
24 reporting of the end of the speech where Tyndall says he  
25 would give the police authority to "sort the red mob

1 out", accompanied by chants of "if they're red, shoot  
2 them dead"?

3 I recall one Saturday selling papers at Barking  
4 Station in the week following a violent sledgehammer  
5 attack on a young female SWP member by a fascist who  
6 broke her pelvis. We were moved across the road by  
7 the police to allow the NF to assemble. Jeering  
8 NF members watched as a tall man who had previously  
9 approached us in a friendly manner to buy a paper came  
10 up behind me and snatched my papers, calling me a "red  
11 bitch" and telling me to "fuck off". He then walked  
12 over to the police, who had witnessed his act, and  
13 proceeded to laugh and joke with them. When I asked  
14 the police to do something, they smirked and told me to  
15 go home.

16 Was this man NF? And why didn't the police protect  
17 me?

18 As a policeman, "Vince Miller" had a duty of care to  
19 keep people safe, yet "Vince Miller" must have known  
20 that my house, described by him as an "SWP drop-in  
21 centre", received a series of frightening phone calls  
22 where the word "UVF", short for the Ulster Volunteer  
23 Force, was repeated over and over again by an unknown  
24 voice; and that shortly after, my flatmate, a Catholic  
25 of Irish descent, was attacked by two NF skinheads on

1 Upper Street in Islington, who spotted his  
2 Anti-Nazi League badges, and smashed him in the face  
3 with what my friend said looked like the butt of a gun,  
4 and broke his nose.

5 Again, where are the reports? And what steps did  
6 HN354 take to keep us safe? Or was real criminal  
7 behaviour overlooked and ignored if directed at us,  
8 while the UCOs focused on writing about meetings on  
9 William Morris and other such dangerous topics? It's  
10 painful now to realise that while we all cared for  
11 Vince, he cared so little for any of us.

12 Contrary to supposed advice to not get too close,  
13 HN354 embedded himself deeply into the life of our  
14 branch for three years. Describing us as a "social and  
15 inclusive bunch", he partied, went to gigs, socialised  
16 in people's houses, got drunk, had sex and played  
17 guitar. He became treasurer, was on the social  
18 committee and in the industrial group.

19 In this boy's fantasy world of cover names, legends  
20 and spying, I wonder how far these officers went and how  
21 much licence they took under cover. HN354 says he  
22 considered methods of surveillance, like phone-tapping  
23 and using informers. Was bugging also considered?  
24 After all, they had plenty of opportunity and access to  
25 our homes -- even bedrooms, as "Vince the Vampire"

1 attest. What private things could have been overheard  
2 and perhaps shared for no reason other than for  
3 entertainment and amusement? And were other sinister  
4 methods and behaviours used to deliberately intimidate  
5 and scare us?

6 It's the lies and fabrications committed over  
7 the years by the spycops and their handlers that  
8 I consider to be the real subversion being uncovered by  
9 this Inquiry. It's their behaviour that should be  
10 scrutinised, not ours.

11 HN354 filed a report that he attended a planning  
12 meeting of the SWP in Lewisham on 12 August 1977,  
13 the night before the march. He states that bricks were  
14 stockpiled at various locations along the planned  
15 NF route by those present, and that members of the SWP  
16 carried weapons to the march in bags. I was at the demo  
17 on the day and can state categorically that no one that  
18 I knew had weapons or would even have done such a thing.

19 It's an easy assertion for HN354 to make. Where is  
20 his evidence? Where are the names?

21 He states that at Lewisham he pulled his group away  
22 from violence. This would imply that they were not  
23 committing violent acts themselves and that HN354 kept  
24 them safe. But there is no report of the arrest of  
25 "Vince Miller's" fellow SWP member, who had his arm

1 broken that day by the actions of the police. This  
2 selective reporting seems to suggest a deliberate  
3 attempt to justify his employment and to blacken  
4 the name of the SWP.

5 The real story is that while these UCOs were  
6 enjoying the perks of the job and attempting to  
7 destabilise the left, discrediting and possibly  
8 criminalising the SWP, they were not keeping anyone  
9 safe, and they were not fulfilling their duty of care.  
10 They were, in reality, undermining the efforts to fight  
11 fascism and to combat racism by the only forces  
12 mobilising to protect communities and defeat those  
13 evils. This view of the role of the SWP in this fight  
14 was endorsed two days after Lewisham by Philip Kleinman  
15 of the Jewish Chronicle, who said of the NF:

16 "When it marches through an area with a large  
17 immigrant population it's purpose is the same as that of  
18 Mosley's blackshirts -- to stir up communal strife  
19 with hope of reaping an electoral advantage."

20 And that:

21 "Whatever their defects the Trotskyists have  
22 the right attitude to the National Front and should not  
23 be left alone to stop its provocations."

24 The Battle of Lewisham is now rightly considered  
25 a watershed moment, like Cable Street, in the fight

1           against fascism in this country. Unable to control  
2           the streets, the NF went into decline, and the event is  
3           now proudly remembered and commemorated as the moment  
4           when the far right was defeated, and is seen as  
5           the symbol of a community coming together to say yes to  
6           black and white unity and no to the forces of hate.

7           It seems only right that my story shall end by  
8           telling how it felt when I was approached by  
9           the Inquiry, and the emotional impact that these  
10          revelations of spying and deception have had.

11          Early one Saturday morning at the end of  
12          February 2020, I received an unexpected visit from  
13          a solicitor acting on behalf of the Undercover Policing  
14          Inquiry. My husband answered the door and I heard  
15          a man's voice asking if I lived at this address.  
16          Feeling slightly alarmed, I listened as my husband asked  
17          what it was about, and the man replied that it concerned  
18          a highly confidential matter that could only be  
19          disclosed to me, and that he had a private letter that  
20          he needed to give to me. I joined my husband and told  
21          the very serious looking, soberly dressed man that,  
22          "It's okay, we're married, we don't have any secrets,"  
23          and that he could speak freely to both of us.

24          I felt a wave of anxiety and stress wash over me.  
25          Was I about to be given some terrible and tragic news?

1           The solicitor asked me if I recognised the name  
2           "Vince Miller". I said yes. And during  
3           the increasingly unreal conversation that followed,  
4           I told him that Vince and I had a relationship over  
5           40 years ago when we were both members of the same SWP  
6           branch, which ended when he unexpectedly left to go to  
7           America. The solicitor revealed the truth, that  
8           the name "Vince Miller" was in fact an alias used by an  
9           undercover police officer who had infiltrated us.  
10          I received this news with a sense of shock mixed with  
11          disbelief. It felt hard to reconcile this revelation  
12          with my memories of the man I knew, or to absorb  
13          the fact that he was a police spy.

14          I'd always thought of Vince with fondness. My  
15          memory of him was of a lovely, attractive but  
16          emotionally vulnerable guy who, because of his  
17          experience of heartbreak and fear of being hurt, found  
18          it difficult to maintain close relationships with women.  
19          I sometimes wondered what had happened to him after he  
20          disappeared from my life, and hoped that he'd found  
21          happiness in his. At the time of my relationship with  
22          Vince, I was also very vulnerable having recently  
23          separated from my first husband who had become extremely  
24          abusive.

25          However, I now know that the "Vince Miller"

1 I thought I knew doesn't actually exist. He is a wholly  
2 constructed fiction, a fake identity used as a tool for  
3 the purposes of political surveillance, sanctioned by  
4 the state, which infiltrated the most intimate parts of  
5 my body and my life.

6 The initial revelation of the true identity of a man  
7 with whom I'd enjoyed an intimate sexual relationship  
8 and shared thoughts and feelings of a deeply private  
9 nature left me feeling nauseous and revolted. I felt  
10 degraded and abused, and continued to feel a real sense  
11 of violation. I feel that both my trust and my values  
12 have been betrayed by an agent of the state, that my  
13 lifelong and deeply held beliefs and convictions have  
14 been exploited and used against me in the most cynical  
15 and exploitative way for the purposes of surveillance.

16 After this first shocking disclosure, I was  
17 uncertain that I wanted any further involvement with  
18 the UCPI. I felt it would inevitably be a whitewash,  
19 with no satisfactory outcome for the victims of  
20 undercover spying. I was afraid that I or my family  
21 could be doorstepped by the press, and that I would be  
22 made to feel even more exposed and vulnerable by further  
23 intrusions into my privacy. But I was informed that  
24 during the course of "Vince Miller's" deployment,  
25 intelligence had been gathered about me, and that

1 documents existed which I could only see if I agreed to  
2 sign a restriction order that prevented me from sharing  
3 or discussing that intelligence with anyone. To me,  
4 this feels totally wrong. It's an affront to my  
5 sensibilities as a person who's committed no crimes, and  
6 has been a victim of this state-sanctioned abuse of my  
7 human rights.

8 The knowledge that the state holds secret files on  
9 me filled me with anxiety and a sense of paranoia.

10 I wanted to know exactly what was in those files, what  
11 information was held, and what details of a personal  
12 nature do they contain; and how personal and intrusive  
13 are those details. I would like to ask the Chair: how  
14 would you feel if you found yourself in this appalling  
15 situation?

16 My mind was certainly running riot. I was imagining  
17 all kinds of things, and felt I needed to see those  
18 documents for my own peace of mind.

19 On receiving those files, I opened them with shaking  
20 hands and a pounding heart. Usually fairly calm and  
21 collected, I admit to reading them with great  
22 trepidation and anxiety. Not knowing and imagining  
23 the worst is acutely distressing. It's wrong that other  
24 women victims of these crimes have so far been denied  
25 access to their files and to see what information their

1           abusers have written about them. Many category H women  
2           have now been waiting for many years. I think that this  
3           is extremely cruel.

4           Memories of "Vince Miller" had, until recently, been  
5           part of my very distant past, memories which had been  
6           processed, assimilated and accepted as genuine. But now  
7           these memories have been shattered, and the past has  
8           come crashing into my present in the vilest possible  
9           way. What I had considered to be true is now revealed  
10          as false. Facts turned out to be lies, and people are  
11          not who I thought they were. "Vince Miller" was not  
12          a like-minded comrade and former lover, fighting  
13          alongside me to create a better world, he was a state  
14          spy.

15          The cognitive dissonance created by this whole  
16          experience makes me sometimes feel that I'm inhabiting  
17          a shadow world populated by malevolent phantoms and  
18          spooks.

19          The files that I have seen do contain information of  
20          a very intrusive and personal nature, revealing detailed  
21          physical descriptions of me, information about my  
22          employment, my wages, my address, and the details of my  
23          first marriage, which happened prior to Miller's  
24          deployment. How exactly did HN354 get that information,  
25          I wonder.

1 "Vince Miller" has admitted to four  
2 sexual relationships during his deployment while  
3 undercover, and has admitted to his relationship with  
4 me, but has disputed my version of events, which  
5 incidentally makes me all the more relieved that I came  
6 forward to stand up and be counted.

7 In my mind, a very different image of Vince is  
8 emerging from the one that I remember. An increasingly  
9 cold, calculating sexist version of a man is being  
10 revealed, very different from the man I knew, or thought  
11 I knew. I find that extremely upsetting. Now  
12 the thought of hearing his real voice and seeing him  
13 give evidence is really unsettling.

14 The implications of some of the disclosures made by  
15 "Vince Miller" are also deeply offensive and revelatory.  
16 Describing the night we first got together, he stated  
17 that I unexpectedly invited him to my bedroom after we'd  
18 both been drinking. What exactly is he trying to say?  
19 That I was drunk and looking for a random man to have  
20 sex with? This is a deliberately untrue  
21 misrepresentation of the events of that evening, when  
22 hours earlier he'd pulled me onto his lap at a party,  
23 then chatted and flirted, before taking me home and  
24 sleeping with me.

25 I've also discovered, to my horror, that MI5 have

1 had files on me since 1970, when I was a girl of 16.  
2 This is shameful. Most people would consider a 16-year  
3 old little more than a child. I was very young when  
4 I first became politically active in left-wing groups.  
5 Knowing that the SDS was formed in 1968 and that  
6 extensive spying was already happening has led me to  
7 wonder if I was spied on as early as 13, when I was  
8 still at school.

9 Which other spooks besides "Vince Miller" have  
10 I been exposed to? Who spied on me before his  
11 deployment? And when exactly did the spying on me  
12 start, and with what justification? What events in my  
13 life led to this intrusion?

14 I can see in the files that I'm subject of something  
15 redacted. What has been hidden from me? Am I still  
16 being spied on? If not, when did it stop? It's  
17 chilling and sinister. And I now wonder what other  
18 fictions have been perpetrated against others I love, my  
19 family and friends. And I've had to consider what  
20 hidden impact this may have had on the course of our  
21 lives.

22 HN354 has even reported on the pregnancy of a woman  
23 in our branch and the name her baby was to be given.  
24 This went straight to MI5. Was this unborn baby given  
25 a Security Services file? Was my child given a registry

1 file, too? I find the possibility that this could  
2 happen frightening and totally disgusting.

3 I also feel deep anger at the terrible revelations  
4 of psychological trauma and systematic abuse perpetrated  
5 by state agents, which in many cases are totally off  
6 the scale of decent human behaviour. I praise  
7 the courage and tenacity shown by the other category H  
8 women in pursuing the truth of what happened and  
9 exposing this whole sordid crime. This has been at huge  
10 emotional cost to themselves, as their stories reveal  
11 a depth of deceit and fraud which is truly shocking.

12 I find it outrageous and deeply offensive to realise  
13 that while regarding us as subversive, dangerous  
14 extremists, we've been targeted, and that relationships  
15 have been used as a tool for state surveillance via  
16 the invasion of our lives and bodies, mere collateral  
17 damage in the pursuit of what I feel is totally  
18 unjustified intelligence-gathering. The very language  
19 used to describe us is both degrading and dehumanising,  
20 and reveals real institutional misogyny and sexism and  
21 a total lack of empathy with law-abiding citizens  
22 exercising their democratic rights.

23 I wonder how much "Vince Miller" contributed to  
24 the prevailing culture within the Metropolitan Police at  
25 that time and since.

1           We know that HN354 rose through the ranks. Was he  
2 supervising other undercover officers despite what he  
3 did, and probably with the full knowledge that others  
4 were doing it, too? Did he encourage others to do  
5 the same?

6           We need to keep in mind that I have no criminal  
7 record and I have never been arrested. I was a member  
8 of a legal organisation, which was neither a banned  
9 group nor a criminal enterprise. Nor were we engaged in  
10 terrorist acts or violence. We were involved in wholly  
11 legitimate activity. The knowledge that individuals  
12 participating in lawful, democratic, political activity  
13 could be spied on and end up with an MI5 file could act  
14 as a deterrent to their involvement. Spying essentially  
15 undermines our democracy.

16           This has also significantly impacted my husband.  
17 The secrecy imposed by the restriction order has meant  
18 that I've been unable to share or discuss the contents  
19 of the files even with him. This has effectively cut  
20 off a degree of emotional support for us both.

21           I want to end with this request. I want all  
22 information surrounding these events in my life to be  
23 made available to me, and that any information held  
24 about me is subsequently destroyed and removed from  
25 archives. I want written proof of this, because

1 I believe that democracy is very fragile, and my  
2 greatest fear is that should this country fall to some  
3 extreme and undemocratic regime, the information held on  
4 me and others, all totally innocent of any crimes, could  
5 put us in extreme danger.

6 With regard to the way that the undercover officers  
7 are treated, I believe that they should be given no  
8 leeway for their behaviour, and that any allowances made  
9 to them because of their position or role in society  
10 will be exploited by them in order to cover themselves.  
11 We must also remember that these officers have been  
12 highly trained in how to lie, manipulate and deceive.

13 I did not expect that consenting to participate,  
14 mainly with the aim of getting to the truth and making  
15 people accountable for their actions -- that it would be  
16 so stressful and challenging. I'm now dreading  
17 the upcoming hearing in which I'll give oral evidence.  
18 I feel nervous at the possibility of any  
19 cross-examination being combative and challenging, given  
20 that "Vince Miller's" statement of these events differs  
21 significantly from my own clear recollections.

22 Nevertheless, I would like, again, to thank  
23 the Chair for inviting my participation in this Inquiry.  
24 I hope that my contribution proves useful in helping him  
25 to uncover the truth.

1 Thank you.

2 THE CHAIRMAN: Thank you.

3 May I say in response to one of your last comments,  
4 about your inability to talk to your husband frankly and  
5 freely about what you have been shown, the purpose of  
6 the original imposition was in part to protect  
7 the privacy rights of others. I, as a data controller,  
8 am obliged to do that. The legislation is now  
9 complicated and restrictive. But I will ensure that  
10 the Inquiry's lawyers get in touch with your lawyers, to  
11 ensure that you can talk freely to your husband about  
12 what you have seen.

13 MADELEINE: Thank you very much. Thank you.

14 THE CHAIRMAN: Thank you.

15 We will now adjourn for 15 minutes and resume at  
16 11.50.

17 Thank you.

18 MR FERNANDES: We will now take a 15-minute break. The time  
19 is now 11.35 am, so we shall reconvene at 11.50 am.

20 Thank you.

21 (11.35 am)

22 (A short break)

23 (11.50 am)

24 MR FERNANDES: Welcome back, everyone. I shall now hand  
25 over to the Chairman to continue proceedings.

1 Chairman.

2 THE CHAIRMAN: Thank you.

3 Ms Kaufmann.

4 Opening statement by MS KAUFMANN QC

5 MS KAUFMANN: Good morning, Sir.

6 This opening statement is made on behalf of all  
7 category H core participants. We're a late addition to  
8 this part of Tranche 1, our participation having been  
9 permitted as a result of representations to the Inquiry  
10 when it was becoming increasingly clear that during  
11 the 1970s, more than a few officers engaged in  
12 sexual relationships in their undercover identities,  
13 both with activists who they were spying on, or with  
14 women that they met using those undercover identities.

15 Until very recently, the category H  
16 core participants had been led to believe that  
17 the numbers were relatively small. They knew about  
18 "Rick Gibson", because in 2018 Mary disclosed  
19 the sexual relationships he'd had with her and with her  
20 flatmate during this period. And some of the officers'  
21 applications for anonymity, such as HN302 and HN354,  
22 that's "Vince Miller" who we've just heard about from  
23 Madeleine, have disclosed what they claimed were very  
24 short-lived relationships.

25 However, the picture that has emerged in

1 the documents and statements is all together different.  
2 As you've heard from the Inquiry in opening and just now  
3 from Madeleine in relation to "Vince Miller", he  
4 admitted four, not two, sexual relationships. And in  
5 addition to the three officers I've just mentioned,  
6 there are five more who are known to or believed to have  
7 had relationships, all of them in a short span of about  
8 five years.

9 The documents disclosed also shockingly indicate  
10 that at least one officer, HN300, that's Jim Pickford,  
11 and maybe even two, HN67 "Alan Bond", had children with  
12 women who they had originally spied on.

13 So this early part of the SDS's existence is of  
14 vital interest, not only to the women who were deceived  
15 by undercover officers in this period, but to all  
16 the category H core participants. The practices and  
17 the culture which began to be laid down during this  
18 period obviously have potentially profound implications  
19 for what happened later on, and also demonstrate  
20 the systemic and long-running sexism which infested this  
21 unit, allowing officers and their superiors to think it  
22 was acceptable to engage in such abusive practices.

23 Before I move on to address that emerging culture  
24 and practice, I want to make some observations about  
25 the Inquiry's approach to the evidence of

1 sexual relationships and the women who have been  
2 affected. As you've heard from Madeleine, she wasn't  
3 contacted by the Inquiry until February of 2020, and it  
4 wasn't until December of 2020 that she was put in touch,  
5 by the Inquiry, with a firm of solicitors,  
6 Birnberg Peirce, who could help her to participate. And  
7 this was despite the fact that her identity was revealed  
8 by Miller to his risk assessors when he sought anonymity  
9 and was available to the Inquiry when you, Chair, issued  
10 your Minded To note on 15 January of 2018.

11 Why did the Inquiry take so long to contact  
12 Madeleine? And why, when it did so, was so little  
13 thought given to the care that would be required in  
14 making contact? For example, as you've heard, contrary  
15 to the Inquiry's undertaking made in December 2018 that  
16 the contact would be made by a female member of  
17 the Inquiry's team, a male member delivered the letter  
18 to her?

19 And why did it provide her with so little help to  
20 find the legal assistance she required, including by  
21 providing her with details of Police Spies Out of Lives,  
22 again, something it had undertaken to do in this  
23 instance when it met with the category H  
24 core participants in July 2018?

25 When he gave his account to the risk assessors,

1 Miller was unable to remember at that point the name of  
2 the other member of the SWP that he had admitted to  
3 having a sexual relationship with. But he did later  
4 recall that name, and he provided it to the Inquiry in  
5 February of 2018. Yet it is only now, three years  
6 later, that steps are being taken to trace her. Why has  
7 the Inquiry failed so profoundly to address her right to  
8 know and to be involved, should she choose, in trying to  
9 uncover the abuse done to her?

10 Also of concern is the Inquiry's apparent  
11 indifference to the sexual relationships by officers  
12 perpetrated under the deception of their cover  
13 identities with women who were the not the targets of  
14 their deployment.

15 When Miller sought anonymity, he didn't just admit  
16 the two relationships with SWP members, which was  
17 disclosed by the Inquiry to core participants in  
18 the anonymity process, he actually admitted to four  
19 sexual relationships, two of which he said were with  
20 women who he was not spying on. The Inquiry withheld  
21 these other admissions, as though somehow he had a right  
22 to privacy over those abusive encounters; encounters  
23 which took place in circumstances where he had deceived  
24 these two women using his cover identity.

25 Those women didn't know the truth that the persona

1 presented was entirely false and that he was in truth  
2 a police officer when they consented to sexual intimacy  
3 with them. They didn't know that they were sleeping  
4 with someone for whom this was a perk of his job.

5 This may well not be the only occasion on which  
6 the Inquiry has treated evidence of sexual relationships  
7 while officers were using their cover identities as  
8 irrelevant or as a private matter for the officer  
9 concerned. It's entirely possible, given the approach  
10 that was taken to "Vince Miller", that there are other  
11 cases.

12 There is, therefore, this further implication, that  
13 the category H core participants have no idea whether  
14 other officers have admitted to having  
15 sexual relationships using their cover identities with  
16 women they were not spying on. And it goes without  
17 saying that if such admissions have been made, they  
18 should not be taken at face value. The admitted  
19 relationships may in fact have been with activists,  
20 because we know officers have lied in precisely this way  
21 before. For example, Jim Boyling, who had  
22 a relationship with, later married and had children with  
23 "Rosa", provided a statement in 2011 when an  
24 investigation was commenced by the Metropolitan Police  
25 following his having been outed, in which he claimed

1 that "Rosa" was working as a waitress when he had met  
2 her and had nothing to do with his target group.  
3 A complete pack of lies.

4 But even if those relationships that have been  
5 admitted were with women who were not active in  
6 the political movements the officer was infiltrating  
7 the category H core participants are gravely concerned  
8 that the Inquiry does not recognise that every deception  
9 practised by an officer using their undercover identity  
10 to engage in sexual relationships constitutes serious  
11 wrongdoing on the part of the officer, and a grave  
12 violation of the rights of the women concerned and it  
13 needs to be openly investigated.

14 The Inquiry has refused to tell the category H  
15 core participants whether it has taken any steps to  
16 contact the four women that "Vince Miller" and HN21 have  
17 admitted to having sexual relationships with who  
18 the officers say were not activists.

19 We do take on board Counsel to the Inquiry's  
20 comments on this issue in their opening statement, that  
21 even such relationships are a matter for investigation,  
22 that is that they are not excluding the need to  
23 investigate such relationships, but that they will not  
24 investigate every relationship, and that in some cases  
25 they cannot because the women don't wish to be involved,

1 or to do so would engage an officer. But that doesn't  
2 explain why Miller's admissions of these relationships  
3 were not disclosed in the first place. It doesn't  
4 explain why the Inquiry cannot be open to the women  
5 about whether it has taken steps to contact other women,  
6 and if it hasn't, why it hasn't. And if it has and  
7 the women have said they don't want to be involved,  
8 there is no reason why any of that cannot be disclosed.

9 The group of women in category H have experienced  
10 serious abuse at the hands of the state. Trust is  
11 a major issue. And such a lack of transparency and  
12 openness is not only unnecessary, but it is detrimental  
13 to their wellbeing. It really creates anxiety and  
14 distrust and fear, and fails to recognise the particular  
15 care that needs to be taken in relation to  
16 the investigation of this issue.

17 Finally, the category H core participants wish to  
18 reiterate their concern about the Inquiry's approach to  
19 the restriction orders protecting the real and/or cover  
20 identities of officers.

21 We know that when you, Sir, restricted disclosure of  
22 "Vince Miller's" name, you did so knowing that he had  
23 admitted to two relationships with different female  
24 activists. Sir, you describe these as "fleeting",  
25 "Vince Miller" having stated that he had only slept with

1 each woman on a single occasion. What is notable is you  
2 accepted that characterisation at face value. And you  
3 also noted these fleeting sexual relationships occurred  
4 before Miller's marriage, presumably to emphasise that  
5 there was no betrayal of a wife. But so far as  
6 the deception and betrayal of the two women were  
7 concerned, you simply said that the deployment appeared  
8 to be unremarkable, and concluded that disclosing  
9 the real name of "Vince Miller" would unjustifiably  
10 interfere with the respect for his private and family  
11 life.

12 Since receiving Madeleine and "Vince Miller's"  
13 statements, you have ruled that the restriction order in  
14 relation to "Vince Miller's" real name must be revoked,  
15 and we welcome that. You've done so notwithstanding  
16 that you still believe -- or did at the time that you  
17 revoked the restriction order -- that "Vince Miller" has  
18 told the truth. While, as you've heard, this is not  
19 accepted by Madeleine. It's not at all clear what has  
20 led to your change of mind, other than the fact that one  
21 of the women activists Miller deceived into  
22 a relationship is now participating in the Inquiry.

23 The category H core participants ask, why should  
24 this make a difference?

25 This officer admitted to two wholly improper

1 relationships with activists as long ago as 2018. And  
2 we know he also admitted to two wholly improper  
3 relationships with non-activists. Given this admitted  
4 wrongdoing, what justification did he have from that  
5 point in time to maintain his anonymity by reference to  
6 his private life?

7 The category H core participants wish to reiterate  
8 that whenever an officer has engaged in  
9 sexual relationships while undercover, they have  
10 forfeited any right to anonymity and they should be  
11 treat by the Inquiry as having done so.

12 None of the officers claim that it was an authorised  
13 part of their deployment; none of them even claim that  
14 they needed to engage in these relationships for any  
15 reason connected to their deployment. They were clearly  
16 gratuitous, grossly abusive invasions of the privacy and  
17 other rights of the women that they deceived. Nothing  
18 less.

19 Any officer who has made such an admission, or is  
20 otherwise identified as having had  
21 a sexual relationship, should be named, both in their  
22 cover name and their real names. Yet, the Inquiry is  
23 clearly not taking this course.

24 So the case of HN21 provides a good example. We  
25 understand from the Inquiry that the disclosure that he

1 engaged in sexual encounters with two women on a couple  
2 of occasions, that included having sex with one of  
3 the women, that admission was made in his witness  
4 statement dated 4 November of 2019. Yet, there has been  
5 no revocation or revisiting, so far as we are aware, of  
6 the real and cover name restriction orders granted to  
7 him. Why not?

8 The excessive approach of the Inquiry in respect of  
9 restriction orders also extends to its approach to  
10 the evidence of the officers who have the benefit of  
11 such restriction orders.

12 The tranche 1 part 1 inquiry process involved  
13 providing extracts from the statements of these  
14 officers, so that each officer was identifiable by their  
15 cipher as the maker of the disclosed extracts from their  
16 statements. That is quoted passages -- complete quoted  
17 passages from their statements. That practice has  
18 totally altered for part 2. We have no extracts from  
19 statements. Instead, we have a short gist, which  
20 consists of a blending of the officers' accounts, and  
21 save in exceptional cases, no attribution of any account  
22 to a particular officer. Which makes it impossible to  
23 know which officer is addressing a particular point.  
24 Which then makes it impossible to target questions  
25 sensibly at officers, because we do not know, for

1 example, what period the officer served in and who were  
2 their fellow officers.

3 This really means that the gist is rendered largely  
4 worthless. And there's no conceivable reason why  
5 disclosure, for example of the training the officers  
6 received, how they were supervised, their own engagement  
7 in sexual relationships, or their knowledge of any such  
8 relationships by other officers, could possibly lead to  
9 their identification. So there's no problem about  
10 attribution of those matters to them.

11 Equally, there is no reason for gisting that  
12 evidence. That evidence could have been given, as it  
13 was in tranche 1, by actually extracting those parts of  
14 their statements in which they say it.

15 I make it clear now that when it comes to  
16 the process of those officers giving evidence in, it is  
17 foreseen by the Inquiry at this point in time, closed  
18 hearings, the category H core participants will be  
19 pushing hard for further openness, for them to give  
20 evidence that can be given openly openly. Nothing less,  
21 in our submission, is consistent with this Inquiry  
22 putting into closed only that which is strictly  
23 necessary to protect the officers from identification.

24 I want now to turn to what we know of  
25 the relationships officers engaged in during this

1 decade, before then looking at how it was allowed to  
2 happen.

3 As I've already indicated, the documentation  
4 disclosed reveals that from the middle part of  
5 the decade onwards -- early to middle part, up to eight  
6 officers had sexual relationships while undercover.  
7 Three of those officers were deployed in the early to  
8 mid-part of the decade in a batch -- a third batch of  
9 officers recruited into the SDS, and the remaining five  
10 were among what appears to have been the fourth batch  
11 deployed in about 1978.

12 The number of women deceived by them obviously  
13 greatly exceeds the number of officers doing  
14 the deceiving, because, as has been noted, some officers  
15 admitted to multiple relationships. Counsel to the  
16 Inquiry in their opening estimated that there were 12  
17 women who were deceived. It could well have been many  
18 more.

19 Among that third batch, there was HN302,  
20 "Rick Gibson" HN297, and Jim Pickford, HN300.

21 HN302, who has the benefit of a real and cover name  
22 restriction order, commenced his deployment some time in  
23 1973. And in his impact statement, he admitted to one  
24 sexual encounter, at the very beginning of his  
25 deployment, with a woman who was on the periphery of

1 another group. That is not the group he was deployed in  
2 to target.

3 He said, at the time, he was a single man, both in  
4 his real life and as part of his cover identity. In  
5 the gist we've received now of the statement for this  
6 part, he adds a little bit more detail. He says,  
7 I quote:

8 "After a couple of meetings I developed a friendship  
9 with a woman, we had a drink ... after one of the  
10 meetings and then we went back to my [cover  
11 accommodation]."

12 Again, he says he was a single man, both in his real  
13 life and cover identity. He says:

14 "It did not go further than that night. I did not  
15 come across her again in my deployment ... I did not set  
16 out to sleep with anyone, but the circumstances  
17 presented themselves to me and I did not say no. Having  
18 a drink with this woman did bolster my cover identity,  
19 but the fact that we ended up having sex did not, at  
20 least in my view provide any additional benefit in terms  
21 of cover, and that is not why I did it. ... It was not  
22 necessary to sleep with anyone to have a well rounded  
23 cover identity. It was not something that my management  
24 told me to do and I did not speak to my managers  
25 about it afterwards. I did not think it was necessary

1 to do so, it was not relevant to any instructions or  
2 training I had received."

3 It's important to note here that even though  
4 the officer says the woman was not from his target  
5 group, she was plainly an activist.

6 "Rick Gibson" had a sexual relationship with four  
7 women, Mary, as I've already mentioned, and her  
8 flatmate. That happened some time in 1975. And the two  
9 other relationships occurred later. They were both  
10 involved with Big Flame. And it's clear that he spoke  
11 to others about this relationship. So again, from  
12 the gisted account, he told an officer that he'd had  
13 a couple of relationships with females in his cover  
14 identity that had led to him being compromised.  
15 The impression he gave was that these were casual and  
16 short term liaisons, "although I cannot recall precisely  
17 what was said", says this officer. He goes on:

18 "I recall that she said the two females were close  
19 friends who lived together. The inference I drew was  
20 that he was telling one female one story and another  
21 a different story and that the stories did not match up  
22 and that led to his being exposed."

23 Now, it's right, "Rick Gibson" did have his cover  
24 blown. This was by members of Big Flame,  
25 the organisation to which these two women belonged. And

1 as a result of their suspicions, they found both  
2 the birth and death certificate of the dead child whose  
3 identity Gibson had assumed.

4 It may well be that the gisted officer was right,  
5 and that it was the two women from Big Flame who played  
6 a part or were responsible for ultimately identifying  
7 that he was a police officer.

8 In their opening statement, which is going to be  
9 delivered tomorrow, Mary and Richard Chessum will  
10 provide much, much more detail about what appears,  
11 exceptionally among this group in this decade, to have  
12 been the strategic nature of these sexual deployments.

13 HN300. It would appear that this officer fell in  
14 love with a woman, a woman he was spying on. An officer  
15 whose evidence is again gisted says that he:

16 "... tearfully told me he had fallen in love with  
17 a lady associated with his group ... he was beside  
18 himself because he wanted to tell her everything  
19 including his undercover role which he realised could  
20 seriously impact the entire SDS operation."

21 The officer contacted -- that is the officer he  
22 spoke to contacted the SDS office, with HN300's  
23 agreement, and then acted as a conduit between HN300 and  
24 his managers. HN300's family has also provided evidence  
25 to the Inquiry, which discloses that his wife at the

1 time discovered the relationship, and as a consequence  
2 of marriage broke down. HN300 then continued  
3 the relationship with the woman he had met and targeted  
4 while undercover after his deployment ceased and they  
5 actually had a child together. That relationship also  
6 broke down later on, and the woman moved away. As we  
7 understand it, the Inquiry has tried but been unable to  
8 track her down. There is, it seems, no official  
9 documentation that's been preserved that relates to any  
10 of this.

11 Turning now to the fourth batch of officers. These  
12 were the ones recruited in the latter part of the 70s.  
13 We know, or suspect, that at least five had  
14 sexual relationships.

15 As noted, HN21, who was believed to have been  
16 deployed in '78, admitted to engaging in occasional  
17 sexual encounters with two women he met at an evening  
18 class in his cover identity, including, on a couple of  
19 occasions, having sex with one of those women.

20 HN106, Barry Tompkins, is mentioned in  
21 a Security Service note for a liaison. This officer was  
22 deployed after 1978. The security liaison note mentions  
23 that he probably "bedded" an individual, who from  
24 the context was plainly somebody he was spying on. And  
25 the note says that his bosses had warned him off.

1           In his witness statement, Tompkins denies this. And  
2 he characterises the comment in the Security Service  
3 note as a "flippant remark". Tompkins isn't being  
4 called, and it's far from clear to what extent, if any,  
5 the Inquiry will be adducing evidence from those who are  
6 able to speak to whether the remark was flippant, as he  
7 attests, or not.

8           "Vince Miller", who we've heard had a relationship  
9 with Madeleine, started his deployment in '76. He  
10 admits to four relationships, as we've already heard.  
11 Albeit he has clearly lied about their extent.

12           He sought to minimise the extent of his abusive  
13 behaviour with Madeleine. He sought to blame his  
14 conduct on alcohol; stating that each occasion he had  
15 a sexual encounter with any woman, he was drunk.

16           He puts forward in relation to Madeleine a positive  
17 account that he only ever slept with her once. And  
18 the difference between his account and Madeleine's is  
19 simply not something that can be attributed to  
20 the impact of the passage of time on two people who are  
21 genuinely trying to recollect events of 40 years ago, as  
22 the Inquiry in its recent decision to disclose Miller's  
23 real name does appear to do.

24           Their recollections are entirely inconsistent.  
25 Neither of them entertains that they might have

1 forgotten the central question of how often they were  
2 intimate. Miller is adamant it was only once. They  
3 give totally different accounts of how that first  
4 encounter occurred.

5 And Miller is absolutely clear -- sorry, and  
6 Madeleine is absolutely clear that it was many more  
7 occasions than this single first night, over a period  
8 that spanned a few months. And it was notable that on  
9 each occasion, Miller would not stay the night. And we  
10 will see a diary entry that Madeleine kept, which puts  
11 the matter, we submit, beyond doubt.

12 "Phil Cooper", HN155. He admitted to officers who  
13 assessed the risk to him, when he was applying anonymity  
14 should his identity be revealed, of having a number of  
15 sexual relationships with the women he was spying on.  
16 He said they were short lived. He sought to justify  
17 them on the basis that he needed to live, and I quote,  
18 "a full alternative lifestyle". He said they took place  
19 with women who wanted to sleep with someone close to  
20 the SWP Central Committee. A place where he had managed  
21 very successfully to infiltrate.

22 Initially, he said there were only two or three such  
23 women and such encounters, but later he said there may  
24 have been more. He stated they were not done to enhance  
25 his deployment. He now denies ever having said any of

1           this.

2           HN67, "Alan Bond", who appears to have been deployed  
3           in the field in late 1981, and therefore we understand  
4           that evidence relating to his deployment will be  
5           received in Tranche 2. He admitted in his application  
6           for anonymity to a fleeting sexual encounter in his  
7           cover name with a woman he says was not a member of his  
8           target group. Yet, from questions that the Inquiry has  
9           asked of officers, albeit no disclosure has so far been  
10          provided to support this, it appears that HN67 may have  
11          fathered a child with someone he met during his  
12          deployment.

13          He and "Vince Miller" lived together in the 1970s  
14          before "Vince Miller" was deployed into the SDS. And no  
15          doubt they remained good friends during their respective  
16          deployments. Likely spoke about what they were up to?  
17          But "Vince Miller" denies knowing anything about "Alan  
18          Bond's" sexual activities while undercover.

19          After his deployment in the field had finished, Bond  
20          was promoted to detective inspector, and was second in  
21          operational command in the SDS for three years in  
22          the 1990s. What sexual relationships Bond had when he  
23          himself was in the field, the response of his superiors  
24          to his own conduct and those of his fellow officers is  
25          obviously critical to a proper examination of his own

1           conduct when he later came to manage 19  
2           undercover officers who served under him in the 90s,  
3           including several who are of significant interest to  
4           this Inquiry.

5           These are likely to have included officers who  
6           engaged in intimate sexual relationships themselves:  
7           including HN1, "Matt Rayner", HN2, "Andy Davey", HN5,  
8           "John Barker" or "Dines", and HN78 "Anthony 'Bobby'  
9           Lewis".

10          As no documents have been disclosed in relation to  
11          Bond, it's difficult for the Inquiry to put potentially  
12          relevant questions to officers in Phase 2, such as  
13          "Vince Miller", who shared a flat with him before they  
14          were deployed into the field.

15          HN126, that's "Paul Gray", was deployed between 1977  
16          and July 1982. He might have been another who engaged  
17          in sexual activities using his undercover identity.

18          At the time of his deployment, a letter was written  
19          to the MPS alleging that he had an affair with a fellow  
20          officer. The force investigated and believed that it  
21          was written by his wife. Their concern about the letter  
22          was entirely directed towards ensuring that she didn't  
23          compromise the undercover operations, not with  
24          discovering what this officer had been up to.

25          "Paul Gray" doesn't address the accusation in his

1 witness statement, and category H core participants ask  
2 why not, given that the investigation at the time found  
3 that the allegations in the letter were, and  
4 I quote "not totally accurate", which implies that there  
5 was some truth in them. It's entirely possible that he  
6 did have an extra-marital relationship, though not with  
7 a fellow officer but with someone who he was spying on.

8 So in the course of that five-year period, we know  
9 that almost one in three officers deployed by the SDS  
10 had a sexual relationship. The practice was plainly  
11 becoming endemic. It is a huge indictment on  
12 the organisation. And the question of how and why this  
13 was allowed to happen is plainly critical, not just to  
14 get to the truth of what went on at that time, but to  
15 uncover the evolving culture that embedded itself and  
16 the practices that were adopted, which then informed  
17 the unit's operations over the ensuing decade.

18 It's therefore of particular concern that  
19 the Inquiry will only be calling one of the officers  
20 known to have had a sexual relationship to give evidence  
21 in this part of the Inquiry -- that's "Vince Miller".  
22 Given that the revelation that officers had engaged in  
23 such relationships while undercover is, in significant  
24 part, what led to the establishment of the Inquiry, it  
25 does beggar belief that the Inquiry has chosen to

1 proceed with so little examination of the very officers  
2 who did so.

3 There's no question that institutional sexism played  
4 a pivotal part in the emergence of the culture that  
5 began to fester within the unit. The SDS was plagued by  
6 institutional sexism at this time, as was the wider  
7 society in which it operated. There are multiple  
8 examples of this, including in the officers' reports.  
9 For example, rating women's attractiveness and the size  
10 of their breasts. And also in relation to how the unit  
11 operated with respect to other classes of women,  
12 including those that one would expect -- or one would  
13 assume were considered to be their own, such as  
14 the wives of officers, or their own female deployments.

15 Those officers who were married or in long-term  
16 relationships are all clear that no account was taken of  
17 the likely impact of the deployment on their wives and  
18 families. Save, it would seem, in the case of HN96,  
19 HN106 and another unidentified gisted officer, the wives  
20 of fellow officers were never spoken to by managers and  
21 supervisors either before or during the deployments.

22 As noted in the case of "Paul Gray", HN126's wife,  
23 managers believed that she was the author of the report  
24 alleging he had been having an affair, no account was  
25 taken of her welfare and the truth of her allegations;

1 the sole concern was to ensure that she didn't  
2 compromise the unit.

3 The toll that the work took on officers' marriages  
4 resulted in a number breaking down as a consequence of  
5 the deployments. But still there was no attempt to  
6 speak to the officers' wives to provide them with any  
7 form of support, or to find ways to mitigate that  
8 potential damage.

9 The institutional sexism is also evident in  
10 the manner that the few female officers recruited into  
11 the SDS were treated.

12 The contrast between HN348 Sandra's treatment, who  
13 gave evidence in part 1, and that of her fellow male  
14 officers is stark. She was literally thrown in at  
15 the deep end, afforded no time to prepare her legend in  
16 order to go undercover, and she was plainly seen by  
17 the SDS managers as nothing other than a necessary but  
18 not particularly valued tool, to be used where  
19 the important undercovers, ie men, obviously could not  
20 infiltrate, namely into the women's movement.

21 There was total disregard for her welfare, for  
22 example, of the obvious dangers that she faced in  
23 getting home from meetings, which very often occurred  
24 late at night or ended late at night. She was afforded  
25 no protection or no assistance at any time in making her

1 way home on potentially dangerous streets from those  
2 meetings.

3 That institutional sexism, the total disregard for  
4 the rights, for the autonomy and the integrity of women  
5 unquestionably fed into the decisions of the officers  
6 themselves to engage in deceitful relationships.

7 The introduction of the pill in the United Kingdom  
8 in 1967 brought women an element of sexual freedom for  
9 the first time. And the officers who had sexual  
10 relationships exploited this to the full. It's clear  
11 from their accounts that they gave no thought to  
12 the dignity, to the integrity and to the rights of  
13 the women to choose who they were intimate with.

14 Did they use contraception? Did they give  
15 the slightest thought to the risk of fathering a child?  
16 Did they give the slightest thought to the risk of  
17 psychological harm should the women ever realise  
18 the deception perpetrated on them?

19 For many of these officers, it may well be -- it  
20 likely was -- that they saw the sexual relationships  
21 they were engaged in as a perk of the job. As noted,  
22 none of them, save perhaps "Phil Cooper", HN155, even  
23 seek to suggest that it was necessary for their  
24 deployment to so engage. It obviously wasn't.

25 For example, Roger Thorley, that's HN85, in

1 a debrief to MI5, when discussing the variety of sexual  
2 practices that existed within the anarchist group that  
3 he had infiltrated and become a highly trusted member  
4 of, stated that he managed to avoid any direct  
5 involvement. But as I've indicated, and as you'll hear  
6 in relation to "Rick Gibson", this might be the first  
7 case of sexual relationships being used as a tactic with  
8 each of the four women that he abused being deliberately  
9 targeted as part of an overall strategy to reach an  
10 influential position in the movements that he was  
11 infiltrating. If that's right, then this has especially  
12 profound implications for the institutional response.  
13 To which I now turn.

14 SDS officers who were managing and supervising  
15 were -- I'm so sorry.

16 The sexism of the field officers, those officers who  
17 went out and penetrated the organisations, that sexism  
18 was as deeply embedded in the minds of the SDS officers  
19 who were managing and supervising. It was these  
20 officers who authorised the field officers over that  
21 decade to continue their infiltrations. And part of  
22 what they authorised was the infiltration of numerous  
23 feminist organisations. These included Women's Voice,  
24 Greenham Common Women Support Group, Spare Rib  
25 Collective, Brixton Black Women's Movement, Women in

1 Ireland and Women Workers League. What possible  
2 justification could there be for infiltrating such  
3 organisations other than a deep hostility to women's  
4 equality.

5 To a person, the field officers are clear that there  
6 was no formal, nor formal instruction from seniors about  
7 engaging or not engaging in sexual relationships.  
8 The issue was simply never addressed. Not in the early  
9 years, and still not a decade into the unit's existence,  
10 when at least eight officers had engaged in  
11 sexual relationships.

12 Some officers say it was just left to their common  
13 sense; that it was common sense that an officer should  
14 not engage in sexual relationships or make close  
15 friendships. But, plainly, with one-third of officers  
16 doing exactly that, this was not a matter of common  
17 sense. So why were the officers not told in terms that  
18 any such relationships were strictly prohibited?

19 Even taking a charitable approach, that it didn't  
20 occur to these managers in the SDS in the very early  
21 days that sexual relationships might occur, because, for  
22 example, it was envisaged in those early days that  
23 deployments would be very short, the fact is, as  
24 Counsel to the Inquiry indicated, from as early as 1971,  
25 it was clear that the SDS would be deploying officers

1 for long-term infiltration. By 1971, officers were  
2 being deployed into the unit to operate undercover for  
3 up to five years. And this trend and pattern continued  
4 throughout the ensuing decade. So that officers  
5 recruited in the late 70s were also being deployed for  
6 up to five years. And as we've heard, four years was  
7 considered to be what officers were informed at  
8 the beginning of their deployment they should expect to  
9 serve.

10 Within a very short period following  
11 the establishment of the SDS, it was clear that  
12 the officers were building long-term relationships with  
13 those they were spying on, that they were becoming  
14 important members of the groups that they were  
15 infiltrating, that they were socialising outside  
16 meetings, whether down the pub or even in people's  
17 homes. It would have been blindingly obvious that there  
18 was a risk that officers might engage in  
19 sexual relationships. And so far as it might naively  
20 have been believed that marriage would afford some sort  
21 of protection, the fact is not all officers were  
22 married, "Vince Miller" and "Rick Gibson" being two  
23 examples of those who weren't. So the marriage of some  
24 officers simply can't explain why it was thought  
25 unnecessary to say anything.

1           But in any event, the fact that some officers were  
2           engaging in sexual relationships unquestionably came to  
3           the attention of supervisors. This is attested to by  
4           one of the officers, HN304, whose evidence stands out.

5           This is "Graham Coates". He was deployed  
6           between '76 and '79. And he provides a detailed account  
7           of the twice weekly meetings in the SDS safe house. And  
8           he describes how, in the course of the officers' chats,  
9           some made jokey remarks which clearly indicated they'd  
10          engaged in sexual relationships. He also makes clear  
11          their supervisors were present, and they would have  
12          overheard that banter. But he says this, they "were  
13          deliberately blind in some areas such as sexual activity  
14          by [undercover officers] while undercover".

15          Jim Pickford, HN300, he says, had a reputation among  
16          his fellow officers as somebody who was always chasing  
17          after women. It was widely known, he says, that he was  
18          a philanderer. His name would almost certainly be  
19          mentioned as a gauge in connection with joking about  
20          relationships with women.

21          Similarly, "Rick Gibson". He had his leg pulled on  
22          one occasion during a group discussion about a sexual  
23          encounter. He too had a reputation, a reputation for  
24          being something of a ladies' man. And the gist of  
25          the joking was that he had done something which

1 reflected that reputation.

2 And HN304 says there was another occasion when  
3 similar joking took place in relation to another officer  
4 who had also had some sort of sexual encounter.

5 There is a striking contrast between the account of  
6 HN304, "Graham Coates", and that of the other officers  
7 who would have been deployed and been present with him  
8 at those safe house meetings. All of those other  
9 officers say that they knew nothing whatsoever about  
10 other officers having relationships. Is it likely that  
11 Coates is lying? The answer, the category H  
12 core participants submit, is obviously not. What  
13 possible motive would he have to do so?

14 But beyond that, the activities of Jim Pickford and  
15 "Rick Gibson" are independently verified, as we've  
16 already addressed. So it is beyond coincidence that  
17 the two officers that HN304 picks out by name as having  
18 had relationships, which he knew about because of that  
19 banter, are the very ones who have been independently  
20 verified as having engaged in sexual relationships.

21 But there's also further support for Coates' account  
22 that comes from contemporaneous records of the managers  
23 themselves, records contained in the annual reports that  
24 they submitted -- that were submitted by the SDS. Those  
25 reports are replete, year on year, with descriptions of

1           how closely the field officers were supervised.  
2           Extracts are set out more fully in our written  
3           submissions, but here's a flavour of what is  
4           consistently reiterated across the decade.

5           I should just mention that the issue of supervision  
6           before 1978 was discussed as a critical feature of  
7           security, of maintaining the security of the unit.  
8           After 1978 it was also dealt with under  
9           the heading "welfare".

10          So starting with the annual report of 1974, under  
11          the heading "Security", it says this:

12                 "9. Security remains, as ever, the prime  
13                 consideration in all SDS activities ... The finest  
14                 safeguards continue to be strong supervision and  
15                 a constant sense of self preservation which is instilled  
16                 into all operational officers.

17                 "10. Equally valuable in this respect are  
18                 the regular meetings of SDS members at or other of the  
19                 headquarter flats. As well as ensuring an adequate  
20                 level of supervision, and the opportunity to discuss and  
21                 identify common problems and future targets, they  
22                 provide an opportunity to assess the behaviour of  
23                 operational officers, so that any pressures, operational  
24                 or otherwise, can be quickly diagnosed and remedied."

25          Then turning to the annual report of 1978, under

1 the heading, "Welfare/Supervision", it now says this:

2 "... Twice a week meeting are held at one or other  
3 of the two secure Headquarters flats, when all members  
4 of the SDS are in normal circumstances present.  
5 Additionally, individual members of the field team are  
6 seen during the course of the week, so that over  
7 a period of three weeks each one will have had an  
8 opportunity to discuss privately his particular work and  
9 any problems either of a professional or domestic  
10 nature. It is also an accepted practice that any  
11 members of the field team can seek advice etc from any  
12 of the administrative staff at any time, whether by  
13 telephone or personal contact.

14 "It will be readily appreciated therefore that  
15 although the field officers' work is by definition  
16 totally unsupervised, there is constant contact with  
17 their immediate supervisors which leads to very close  
18 monitoring of an extremely delicate operation."

19 And the annual reports for 1979 and 1980 are in  
20 similar vein.

21 So close supervision of officers, especially through  
22 the twice-weekly meetings at the SDS safe houses, was,  
23 according to management, an integral part of the SDS  
24 operations by the mid-seventies. And whether  
25 the purpose of that supervision was to ensure security

1 of the unit's operations, or to support the officers as  
2 part of their welfare, to be effective, that supervision  
3 had to ensure that the unsupervised activities in  
4 the field were captured, so far as possible, when  
5 officers came in from the field. So what was said by  
6 those officers when at the safe house was critical.  
7 There is no question, therefore, that supervisors would  
8 have sought to listen to what the officers were saying.

9 The only sensible conclusion, therefore, is that  
10 many of the officers who deny knowing that some officers  
11 were engaging in sexual activity while undercover are  
12 deliberately hiding what they learned in the course of  
13 these safe house meetings, or in the course of  
14 socialising elsewhere and away from the safe houses with  
15 this group of officers to whom they inevitably would  
16 have become incredibly close in this strange world they  
17 inhabited.

18 And this has obvious implications for how  
19 the Inquiry should approach their evidence. It must not  
20 accept those denials at face value. They have to be  
21 probed, and they have to be treated with serious  
22 caution.

23 Finally, we also know from the accounts referred to  
24 earlier of a gisted officer that some time in 1976  
25 the fact that HN300, Jim Pickford, a married officer,

1 had fallen in love with somebody he was spying on was  
2 relayed to managers.

3 And, from another gisted officer, we know that "Rick  
4 Gibson" disclosed his relationship with Mary and  
5 the other activist, and that his deployment -- or it  
6 might have been in fact with the other two woman he had  
7 a relationship with, and that his deployment was  
8 compromised as a result. It's inconceivable management  
9 didn't know this, too.

10 And the Security Service note demonstrates at  
11 the very least the strong suspicions that management had  
12 that HN106, Barry Tompkins, had slept with a target.

13 So what stands out from all this evidence is  
14 the total failure of SDS managers and supervisors to do  
15 anything about the sexual misconduct of the officers.  
16 The clear message this would have sent to the officers  
17 in the field was that nothing is improper about engaging  
18 in deceitful sexual relationships. The absence of any  
19 measures prohibiting such behaviour, of any steps being  
20 taken to safeguard the women, is nothing other than  
21 institutional sexism. The very fabric of the SDS  
22 permitted officers to behave in this way.

23 So, what are we driven to conclude from all of this?  
24 That within a matter of a few short years of the unit's  
25 establishment, a culture had been created whereby, at

1 the very least, supervisors permitted officers, donning  
2 their undercover identities, to indulge themselves  
3 sexually, using the bodies of women as a perk of  
4 the job, a bonus for their contribution to the unit's  
5 work.

6 That a state institution which exists to serve  
7 the public should permit such activities is unspeakably  
8 abhorrent. And it's not just institutionally sexist,  
9 it's deeply misogynistic.

10 But it may well not stop there. The Inquiry must  
11 also start to examine whether, as a result of "Rick  
12 Gibson's" use of sexual relationships during his  
13 deployment, supervisors came to recognise  
14 sexual relationships as a valuable part of the armoury  
15 of undercover policing.

16 It's notable that in 1992 "Rick Gibson" applied for  
17 a promotion to detective chief inspector, and he listed  
18 his work as a field officer in the SDS in his  
19 application.

20 And of course, if HN67 "Alan Bond" engaged in sexual  
21 activity, if he fathered a child, this also has major  
22 implications for the later management of  
23 sexual relationships by the unit. Yet it seems clear  
24 that this will never be properly explored. We have  
25 belatedly learned from the Inquiry that he will not now

1 be giving evidence due to a deterioration in his health.  
2 The Inquiry has known about his ill-health for more than  
3 three years, but, it seems, no statement was taken from  
4 him, and apparently it's now too late to do so. This is  
5 despite the Chair having expressly recognised that his  
6 evidence is potentially of great importance to  
7 the Inquiry -- and I quote -- this is from the Minded To  
8 decision in relation to his anonymity:

9 "[It] may need [his evidence] to be taken out of  
10 sequence, before his memory deteriorates further."

11 I want to draw these submissions to a close by  
12 quoting from a Special Branch memo dated 15 May 1981, so  
13 right towards the end of this dismal first decade of  
14 the unit's existence. It was written following  
15 the discovery of a registry file concerning the work of  
16 an undercover officer who was believed to have been  
17 the very first Special Branch "hairy". Incredibly,  
18 this "hairy" was a woman, a Ms Pelling, who infiltrated  
19 the Communist Party of Great Britain in 1921. The woman  
20 was contacted for her recollections and the memo  
21 concludes with this account of what she said:

22 "She remembers the personnel of the 1920s  
23 as 'gentlemen', who never took liberties with her, or in  
24 her presence."

25 And the memo then continues:

1            "That, naturally, is as true of the behaviour of  
2            today's Special Branch officers in the presence of  
3            the fair sex as it was of the staff in Miss Pelling's  
4            time 60 years ago."

5            This is as clear an indication as any of the need  
6            for this Inquiry to scrape away and dig beneath  
7            the self-justification, the obfuscations, the omissions  
8            and the downright lies presented by the SDS records and  
9            reports and the officers: from those in the annual  
10           reports written by a unit seeking to justify its  
11           utility, its continued existence, right through to  
12           the lies of officers writing up reports, sanitising them  
13           to exclude their own wrongdoing, or the extent and  
14           nature of their own involvement in the movements they  
15           were penetrating.

16           But as all the core participants have repeatedly  
17           insisted, those lies can only be exposed if the Inquiry  
18           recognises how much it needs the help of those who were  
19           spied on. And that means not just making sure they're  
20           contacted and supported to become involved, but also  
21           providing them with full disclosure in good time to  
22           allow them to properly review all the documents, to  
23           expose the inaccuracies and to expose the lies. And was  
24           the case in Phase 1, so too in Phase 2 that simply has  
25           not happened.

1           The case of Alison, who had a relationship with  
2 Mark Jenner for five years in the 1990s, provides a  
3 clear example of officers' reports containing  
4 fundamental inaccuracies which only those spied on can  
5 identify.

6           There was some disclosure for this phase, which  
7 includes a couple of reports from the 1990s, and Alison  
8 has seen these reports, and she is able to identify that  
9 she was actually present at some of the meetings to  
10 which these relate, because she had a diary that she  
11 kept at the time and she still has now. She has had  
12 confirmation from the Inquiry that Jenner's reports  
13 don't identify her as having been present, even though  
14 she attended those meetings with Jenner, because that  
15 very first meeting in the chronology of these reports  
16 was one that took place six months after she and Jenner  
17 had started a relationship.

18           So not only has she been written out, but there are  
19 then inaccuracies in his reporting. He writes himself  
20 out of discussions. And in particular, a pivotal  
21 discussion and a pivotal role he played on one occasion  
22 in stoking a conflict within the group.

23           So Alison can provide a detailed account of these  
24 meetings; she can shed light on how this officer's  
25 reporting was inaccurate in critical respects, and on

1 the extent of his own involvement in shaping the course  
2 and actions of the movement he was infiltrating. And so  
3 many others who could do the same in this phase simply  
4 will not have the opportunity.

5 We also know that Mark Kennedy, another example,  
6 lied about using the women he had sexual relationships  
7 with to gather intelligence. So, he told the Home  
8 Affairs Select Committee that the "two" -- and I put  
9 that in inverted commas -- women he slept with "provided  
10 no intelligence at all". I put that in inverted commas  
11 because he slept with so many more than two women. But  
12 the police statement to the IPT in Kate Wilson's  
13 claim -- so Kate, as I mentioned in the opening, has  
14 proceeded to the investigatory powers tribunal with  
15 a claim that her human rights were violated, in large  
16 part because she wants to secure documentation that has  
17 thus far been withheld from her. And in those  
18 proceedings, she has managed to secure a lot of  
19 disclosure and a lot more information from the police.  
20 And in the police's statement they say this of Mark's  
21 allegation:

22 "As is evident from the review of the documentation,  
23 and the summary in this statement, it does not appear to  
24 be correct to suggest that [Kate Wilson] provided 'no  
25 intelligence at all'."

1           And that's putting it mildly. In fact, Kate Wilson  
2 was made a main target of Mark Kennedy's operation.

3           It's not too late for the Inquiry to change its  
4 approach to ensure that future hearings don't suffer  
5 the same failings, and that all relevant evidence is  
6 available. Once again, the category H participants urge  
7 the Inquiry to take the steps needed to enable them, and  
8 all the non-state core participants, to meaningfully  
9 participate and help the Inquiry with its work.

10          It goes without saying that the category H  
11 core participants fully expect to participate in all  
12 future hearings, as they are doing so in this phase,  
13 because it is clear, as I said at the outset,  
14 relationships were becoming endemic by the end of this  
15 decade.

16          Finally, the category H core participants wish to  
17 express their utter dismay that Counsel to the Inquiry  
18 has indicated that the Tranche 2 hearings will not now  
19 take place until after 2022. These delays are  
20 intolerable for the women. Their need, in particular,  
21 for disclosure of documents which relate to them for  
22 their psychological wellbeing has been repeatedly  
23 emphasised. As Madeleine said just before me, it is  
24 cruel that they are still being deprived of those  
25 documents.

1           If there is to be any further delay, the Inquiry  
2           should, we strongly submit, ensure the prioritisation of  
3           the provision of disclosure to the category H women.  
4           They simply cannot be required to wait any longer.

5           And we know that the MPS has indicated that it is  
6           very happy to do all that it can to insist if  
7           the Inquiry Chair takes a decision to prioritise that  
8           disclosure. So we urge the Chair, in light of this  
9           further delay, to consider that, and to relieve their  
10          distress.

11          Sir, those are the submissions on behalf of  
12          the category H women.

13          THE CHAIRMAN: Thank you.

14          I would only say in response to your concluding  
15          remarks that many promises are made by many parties  
16          which, when it comes to fulfilling them, are fulfilled  
17          more slowly and with greater difficulty than others have  
18          been led to believe. It may well be that the request  
19          that you make cannot be fulfilled.

20          We are now going to break for 15 minutes. We will  
21          then go straight on to Mr Ryder, whose submissions will  
22          conclude today's hearing. This is being done in memory,  
23          respectful memory, of Stephen Lawrence.

24          MR FERNANDES: We will now take a 15-minute break. The time  
25          is now 12.50, so we shall reconvene at 1.05 pm.

1 (12.51 pm)

2 (A short break)

3 (1.05 pm)

4 MR FERNANDES: Welcome back, everyone. I shall now hand  
5 over to the Chairman to continue proceedings.

6 Chairman.

7 THE CHAIRMAN: Thank you.

8 Mr Ryder

9 Opening statement by MR RYDER QC

10 MR RYDER: Thank you, Sir.

11 Before I start, I should probably make clear that  
12 there are three things I'm going to be covering today.  
13 The first will be a section of my opening about  
14 the Anti-Apartheid Movement. The second will be the  
15 last section of my opening, which will be about  
16 Celia Stubbs, the core participant. The third thing is  
17 to potentially address the matter you raised with  
18 Mr Skelton yesterday of the miscarriages of justice.

19 I should say right from the beginning that it's  
20 a close fit to get everything in in the time that I've  
21 been given, and I'm grateful for being given a bit more  
22 time, because it's going to be a close fit and I may go  
23 slightly over.

24 So, one of the things I was going to mention is that  
25 I'm happy to address you on the miscarriages point. And

1 I may address you on it shortly, with the intention that  
2 Mr Skelton and I, and maybe others, will put something  
3 in writing for you to be able to look at and consider  
4 our view.

5 THE CHAIRMAN: May I say that I would welcome that. If  
6 that's a course you would prefer, you do so with my  
7 encouragement.

8 MR RYDER: Thank you, Sir. If I have time to address it at  
9 the end, which I doubt, then I will. Otherwise I'll be  
10 putting something in writing, if that's okay. Thank you  
11 very much.

12 So if I can begin the opening statement in relation  
13 to core participants Lord Hain, Professor Rosenhead and  
14 Ernest Rodker and the Anti-Apartheid Movement.

15 From the 1960s onwards, the international movement  
16 against the apartheid regime in South Africa was one of  
17 the world's largest social and political movements. I'm  
18 going to make a reference to one or two images, so I'd  
19 be grateful if we could put up on the screen the image  
20 reference DOC045. {DOC/45/1}.

21 Thank you very much.

22 Those campaigning against apartheid were of course  
23 right to do so, and those opposing them and criticising  
24 them for doing so were of course wrong. History does  
25 not cast the British Government in a positive light when

1           it comes to South African apartheid. For too long, our  
2           government appeased and supported a regime that it  
3           should have been vehemently opposing. This part of this  
4           Inquiry will examine an ingredient of that historic  
5           embarrassment. Because it should be a matter of deep  
6           regret that the SDS chose to target those anti-apartheid  
7           campaigners for surveillance through the use of  
8           undercover officers. What many in the world realised  
9           that the SDS failed to appreciate was that the true  
10          threat to democracy and our society came from  
11          the apartheid regime, rather than those who were  
12          opposing it.

13                 In this opening statement relating to  
14          the Anti-Apartheid Movement, I'll seek to address three  
15          topics. Firstly, the politicised nature of  
16          the undercover policing that took place; secondly,  
17          miscarriages of justice arising from the activities of  
18          the SDS and in criminal proceedings, and that includes  
19          the Star & Garter event which you heard about and which  
20          you referenced yesterday, Sir, and; thirdly, some  
21          procedural matters relating to this part of the inquiry.

22                 So could we, please, take down that image and put up  
23          another image, which is reference DOC047. {DOC/47}.

24                 I'll begin with the politicised nature of policing.

25                 The large Anti-Apartheid Movement was formed in

1 1959, and at its height it had a broad-base support from  
2 hundreds of thousands of people in Britain. It was not  
3 affiliated to any political party.

4 That picture of Peter Hain refers -- or references  
5 the fact that he was active in the movement of course,  
6 and was an integral part of the Stop the Seventy Tour.  
7 That was a movement which successfully saw  
8 the cancellation of the 1970 cricket tour from  
9 South Africa to the UK. It also protested against  
10 the 1969 to 70 tour by the Springbok rugby team. It  
11 used tactics of non-violent direct action, including  
12 running onto the pitch to disrupt matches.

13 Could we take down that image please and put up  
14 image reference DOC048. {DOC/48}.

15 This is a poster relating to the Caborra Bassa  
16 Dambusters Mobilising Committee movement. And  
17 the Dambusters Mobilising Committee was a broad-base  
18 coalition of groups which shared a common aim: to  
19 explain to the British public how the Caborra Bassa  
20 project broke UN sanctions against the illegal regime in  
21 Rhodesia, and bolstered both apartheid in South Africa  
22 and Portuguese rule in Mozambique.

23 The Dambusters Mobilising Committee campaigned to  
24 ensure British companies played no part in the project,  
25 and the DMC coordinated efforts of the coalition. It

1 did not subscribe to any political party or any  
2 political doctrine; it wasn't affiliated to any  
3 political party.

4 This is important because all of those groups were  
5 spied upon by undercover officers. The annual reports  
6 of the SDS show that those campaigning on anti-apartheid  
7 matters were targets of SDS surveillance right from its  
8 inception.

9 I think you can take the image down now. Thank you.

10 The Anti-Apartheid Movement was identified as  
11 a target for surveillance in the first annual reports of  
12 the Special Demonstration Squad in 1969. The  
13 Anti-Apartheid Movement and other related groups then  
14 featured in all following annual reports into the 1970s.

15 Five out of a total of 13 staff of the SDS, both  
16 operational and otherwise, were involved in targeting  
17 the Stop the Seventy Tour. Coverage of  
18 the Stop the Seventy Tour and its successor campaigns  
19 continued well into the mid-1970s.

20 We highlight that because it contrasts with  
21 the far-right groups, who do not appear to have been  
22 targeted in the same way. This decision to target  
23 left wing groups but not far-right groups appears to  
24 have been a deliberate decision, rather than the result  
25 of any difficulty obtaining infiltration to

1 the far-right groups, because, as the annual report for  
2 1972 states:

3 "... right wing extremist groups, who in recent  
4 times have not posed much of a threat to public order,  
5 are not covered by the SDS, but there are no technical  
6 reasons why they could not be, should the position  
7 deteriorate."

8 We suggest that one of the points that's important  
9 in this part of the inquiry: that the assessment to  
10 target particular groups can only have been reached by  
11 SDS officers taking a misguided and a partisan political  
12 perspective. Violence and intimidation by right wing  
13 groups in response to those who were legitimately  
14 campaigning against apartheid was perceived as a problem  
15 caused by the campaigners and not by those using  
16 violence against them.

17 Similarly, violence, intimidation and racial hatred  
18 espoused by right wing groups in reaction to those  
19 campaigning against racism was perceived as a problem to  
20 be resolved by targeting not the right-wing groups but  
21 the left wing campaigners acting legitimately. This  
22 was, we say, a discredited but well recognised  
23 perspective at that time. And it's the same  
24 perspective, or a similar perspective, that was espoused  
25 by the Conservative Member of Parliament Enoch Powell in

1 the notorious "Rivers of Blood" speech around the same  
2 time in 1968. On that perspective, the threat to  
3 disorder in Britain was attributed to those on  
4 the political left espousing racial equality and  
5 promoting greater racial integration. The violent  
6 racist response from those on the political right was  
7 seen as regrettable but understandable and inevitable.  
8 This is a flawed political perspective. And that is  
9 a similar perspective to that which caused the targeting  
10 of left wing groups rather than right wing groups.

11 In fact, the first infiltration of  
12 the National Front was not instigated by the SDS  
13 themselves, but rather by the result of an  
14 undercover officer who had infiltrated a left wing  
15 group, the Workers Revolutionary Party, and the Workers  
16 Revolutionary Party, without realising he was an  
17 undercover officer, encouraging the officer to find out  
18 about the National Front.

19 There was no difficulty ensuring coverage of right  
20 wing groups by the SDS had they wanted to. It seems  
21 there was a deliberate decision not to target such  
22 groups.

23 In 1976, there was a re-evaluation of the role of  
24 the SDS. It found that the level of violence on  
25 demonstrations had decreased since the inception of

1 the SDS in 1968. But the number of demonstrations had  
2 increased. The need for coverage by the SDS was  
3 purportedly justified by the fear of the ultra left. We  
4 refer to the document MPS0730745 {MPS/730745}, and we've  
5 quoted at paragraph 10 of our written opening statement  
6 from there.

7 The suggestion of the focus on the ultra left  
8 indicates a mission creep, because the nominal target of  
9 infiltrations was ultra-left, and undercover officers  
10 continued to use what we've understood to be described  
11 as the "oblique approach", in other words targeting  
12 groups which did not present a threat to public order or  
13 of subversion, as a means to move on to groups perceived  
14 to be more extreme.

15 Broadly, left wing organisations were infiltrated  
16 throughout the 1970s, even when such groups had nothing  
17 to do with disorder. The oblique approach resulted in  
18 a fundamental failure in the assessment of  
19 proportionality. It provided a purported justification  
20 for undercover surveillance on any group of  
21 the political left.

22 Another component of the mission creep became  
23 surveillance by the SDS at the behest of  
24 the Security Services. Contemporaneous records show  
25 that the undercover officers viewed much of their

1 activity as relating to obtaining information for  
2 the Security Service. As UCO 301 "Bob Stubbs" said:

3 "I am not sure why my reporting was copied to  
4 the Security Service. Thinking about it, I think we  
5 gathered quite a lot of intelligence on behalf of  
6 the Security Service and could be described as 'their  
7 executive arm'."

8 Since the oblique approach could provide a purported  
9 justification for placing an undercover officer in an  
10 organisation that did not present a public order threat,  
11 it enabled the SDS to place undercover officers in  
12 organisations on behalf of the Security Service even  
13 when this fell outside the strict role of the SDS in  
14 dealing with public order matters.

15 For example, in 1979, DCI Mike Ferguson, then  
16 a senior SDS officer, stated in response to  
17 the Security Service's request for coverage of  
18 the WRP that:

19 "Although the WRP was not considered to be a law and  
20 order problem, nevertheless he was ready to put a source  
21 into the WRP if this would legitimately act as  
22 a stepping stone for penetration of an SDS target."

23 This is a mission creep in which anyone on the left  
24 was considered to be a gateway into surveillance  
25 potentially because the Security Services were

1 interested in them. Proportionality was lost and  
2 balance was lost in that process.

3 This relationship between the SDS and  
4 the Security Service was not always welcomed at a senior  
5 level. In fact, in 1974, at a meeting between Deputy  
6 Assistant Commissioner Gilbert and the Security Service,  
7 it's recorded as follows:

8 "At this point Gilbert said he thought that before  
9 we went further he ought to let us know 'the facts of  
10 life about inter-service collaboration'. As far as  
11 MPSB were concerned it was almost wholly one way  
12 cooperation. They did a tremendous amount of work on  
13 our behalf but got very little feedback in return!

14 "He said that for the most part work done for us has  
15 little or no relevance to SB's proper character and as  
16 far as he was concerned it tied up staff, of which he  
17 was chronically short anyway, in totally unproductive  
18 activity."

19 This is a complaint by the police that they had been  
20 used by the Security Service for spying in a way that's  
21 outside of their remit.

22 A close relationship between the organisations  
23 persisted. Numerous meetings took place between senior  
24 officers in the SDS and their counterparts in  
25 the Security Service, often followed by drinks. It's

1 notable, therefore, that even when the formal targets of  
2 the SDS had moved on from the anti-apartheid campaign,  
3 the SDS were collecting information on  
4 the Anti-Apartheid Movement, sometimes on behalf of  
5 the Security Service, throughout the period of this part  
6 of the inquiry, well into the 80s.

7 I'll move on now really to the heading described as  
8 "Supporters of apartheid", and how the supporters of  
9 apartheid were approached.

10 The proactive approach of the police and  
11 Security Services in placing the Anti-Apartheid Movement  
12 and related groups under surveillance should be  
13 contrasted, when considering proportionality, with  
14 the poor response when the same campaigners were  
15 attacked by those who supported apartheid.

16 The South African Bureau of State Security, known as  
17 "BOSS", targeted groups campaigning against apartheid  
18 both inside and outside South Africa. That state  
19 security, South African state security, were active in  
20 London in the 1970s and 1980s, and their targets  
21 included the ANC and the Anti-Apartheid Movement.

22 To run through some incidents, in 1970, South  
23 African journalist Keith Wallace, who had threatened to  
24 expose apartheid security service operations in the UK,  
25 was murdered in London.

1           In 1972, a letter bomb was sent to Peter Hain's home  
2 address where he lived with his parents and siblings.  
3 Only good fortune prevented the device from detonating  
4 when the parcel was opened by his 14-year old sister.  
5 Nobody was ever arrested in connection with the matter,  
6 and it's not clear to what extent, if at all, it was  
7 ever investigated.

8           In 1978, the headquarters of the Anti-Nazi League  
9 suffered an arson attack.

10           On Sunday 14 March 1982, a 10-pound bomb exploded at  
11 the rear of the ANC offices on Penton Street in London.  
12 The bomb went off at 9 am, and injured an ANC research  
13 official, Vemet Mbatha, who was present in the building.  
14 The back of the building in London was destroyed, and  
15 windows over 100 yards away were broken, including  
16 the windows of a local school. The matter was reported  
17 to the police. No one was ever charged. And later,  
18 a former member of BOSS, Craig Williamson, admitted  
19 responsibility for that attack to the Truth and  
20 Reconciliation Committee hearings in South Africa  
21 following the fall of apartheid.

22           On 17 July 1985, there was a well planned arson  
23 attack on the Anti-Apartheid Movement offices in London.  
24 Forensic experts who examined the fire state that  
25 the flammable liquid used was of a type only available

1 to military sources, and not on-sale to the public.  
2 Again, nobody was ever arrested in relation to that  
3 matter.

4 So, in light of that background, immediately  
5 raises(?) that this Inquiry and those interested in this  
6 Inquiry might have expected to see disclosure of reports  
7 and SDS activity relating to surveillance and  
8 investigation of those involved in those violent  
9 attacks, the supporters of the apartheid involved in  
10 violent attacks, and those who were aligned with them  
11 through support of the apartheid regime. But this is  
12 not the case. The picture, the documents disclosed by  
13 the Inquiry reveal something bordering on an obsession  
14 by the SDS and the Security Service with collecting  
15 information on left wing groups, but a corresponding  
16 lack of interest in the activities of the supporters of  
17 apartheid who carried out serious acts of violence.

18 In that regard, I'd like to pause for a moment just  
19 to make a comment on the opening statement by  
20 the designated lawyers and how -- an aspect of what was  
21 said there, trying to put context on the surveillance of  
22 the Anti-Apartheid Movement, because we set out  
23 the context to show the difference between  
24 the surveillance on the Anti-Apartheid Movement and  
25 the supporters of apartheid, but also trying to put it

1 in the historical context of judging how -- or looking  
2 at misjudged that surveillance was.

3 In the statement by the designated lawyers,  
4 paragraph 5, Sir -- it's page 14 to 15 of the opening  
5 statement -- is a good example of what we believe to be  
6 a combative and flawed approach to examining how  
7 the work that was done by the SDS and an attempt to  
8 justify that work today. And at paragraph 5,  
9 the opening statement stated:

10 "... the police's duty to maintain public order and  
11 to obtain intelligence about related threats would have  
12 been precisely the same if an all-black West Indies Test  
13 Team had been scheduled to tour England in 1970 and  
14 there had been a far right campaign aimed at stopping  
15 them."

16 That is to seek to draw an equivalence between  
17 policing a West Indies Test Team that were being opposed  
18 by racist far right campaigners with an all-white  
19 South African team who were being demonstrated against  
20 by anti-apartheid demonstrators. We say there are some  
21 significant problems with the perspective that  
22 the designate lawyer statement on behalf of  
23 the undercover officers put forward.

24 The first is that it equates the level of police  
25 concern there should have been in gathering evidence

1 about legitimate anti-racist campaigners with far-right  
2 groups campaigning to incite racial hatred and racial  
3 division. That equivalence entirely confuses neutrality  
4 with -- or, forgive me, that attempt to draw a parallel  
5 confuses neutrality with equivalence. It is not  
6 politically neutral to treat different things as though  
7 they are the same. In fact, treating different things  
8 as though they are the same is unfair and  
9 disproportionate.

10 To draw that equivalence is as misjudged, we say, as  
11 when, 20 years ago, the Metropolitan Police told  
12 the Stephen Lawrence inquiry that it advocated  
13 a colour-blind approach to race. Sir William Macpherson  
14 explained, in his seminal report, why that approach was  
15 misconceived -- that is why the colour-blind approach  
16 was misconceived. Treating different things as though  
17 they're the same is not the right approach. As  
18 Sir William Macpherson explained, it misunderstood  
19 racism, and in the same way, drawing equivalence between  
20 policing legitimate anti-apartheid protesters with  
21 far-right groups inciting racial hatred, misunderstands  
22 the role of policing democracy.

23 It also misunderstands proportionality. There seems  
24 to be no proper attention to the right to freedom of  
25 expression and the right to privacy. The focus on what

1 the officers believed, wrongly, to be the reason to put  
2 left wing groups under surveillance seems to be devoid  
3 of an assessment of proportionality. And that's not  
4 only a problem that occurred then, but in seeing that  
5 put forward in the opening statement from  
6 the designated lawyers, it seemed to be a problem that  
7 persists in their approach today.

8 The second reason why we take objection to what was  
9 said by the designated lawyers is that the example they  
10 give of saying that the same approach would have been  
11 taken to right-wing groups is strikingly ahistorical.  
12 The disclosed documents, as I've said, show a virtual  
13 obsession with spying on left wing groups, or virtually  
14 no interest in spying on far-right groups opposing them.  
15 So that example given by the designated lawyer is at  
16 best unpleasantly ironic.

17 The undercover officers' views, as represented by  
18 their opening, unfortunately suggest they've learned  
19 little. The only benefit, it might be said, of those  
20 statements is allowing us to see not only how  
21 misconceived they were then but also how, even today,  
22 they seem to see nothing wrong with the disproportionate  
23 and misguided approach that they took, and that is  
24 a matter of serious regret.

25 I move on to the disproportionate collection of

1 information, and we referred to this in our opening in  
2 November for Part 1. A striking feature of many of  
3 the intelligence reports produced by the SDS in this  
4 period is how disproportionate the level of surveillance  
5 was and how mundane and trivial the personal information  
6 that was collected. Many of the undercover officers  
7 state there was effectively no filtering of information  
8 they would collect. Any information of any kind about  
9 persons known to be of interest was recorded.

10 For example, in relation to Ernest Rodker alone, we  
11 see the following information. On 11 March 1976 an  
12 intelligence report is filed consisting of saying he had  
13 "a son ... born to Ernest ... on [the date] in  
14 February 1976". And a further intelligence report  
15 consisting solely of the following:

16 "Ernest Rodker, after suffering a heart attack ...  
17 is now in St James Hospital ..."

18 Both those reports were copied to  
19 the Security Service.

20 Similarly, undercover officers reported the presence  
21 of Peter Hain's younger sisters, both still children at  
22 the time, at the meetings of the Young Liberals at his  
23 parents' home, and again, that was copied to  
24 the Security Service.

25 How and why this kind of personal information was

1           deemed relevant to collect and then pass on to  
2           the Security Service seems difficult to understand.  
3           This information that we see in those reports is  
4           unfortunately not unusual but typical of the kind of  
5           personal information that was collected. Other  
6           undercover officers also reported on the children of  
7           activists.

8           Sir, this is the kind of surveillance information  
9           that one would expect to see in the files from  
10          a totalitarian regime who supply on the private lives of  
11          political dissidents. It barely needs to be stated that  
12          seeing state agencies secretly gathering information  
13          about children is terrifying for any parent to read.  
14          Such information should only be collected where there  
15          was a pressing social need to do so, if ever, and where  
16          that need is properly set out and recorded, and none of  
17          that occurred here.

18          There were numerous reports relating to public  
19          meetings of a conventional political nature that should  
20          have been free from state surveillance. For example, on  
21          14 January 1975 an intelligence report is made of  
22          a public meeting held by the Battersea Redevelopment  
23          Group, 150 people attending, including Ernest Rodker.  
24          The meeting was part of a development campaign relating  
25          to the development of a funfair and was attended by

1 residents and local politicians, but, on a more sinister  
2 note, the names of three elected Wandsworth local  
3 councillors were seen -- were noted as seen to buy  
4 copies of "Red Weekly". Again, that information was  
5 sent to the Security Services.

6 Similarly disproportionate indiscriminate collection  
7 of information by the SDS is seen in reports on  
8 Peter Hain. For example, an SDS intelligence report  
9 dated 11 June 1980 lists the names of persons identified  
10 as being present at a conference centre where the Labour  
11 Party was holding a special conference. Peter Hain  
12 attended the conference in his role a delegate of  
13 the Putney Labour Branch. As Lord Hain asks in his  
14 witness statement, did they ever go to the Conservative  
15 or Liberal Party conferences?

16 These core participants have particular concern  
17 about the way that information about them was shared  
18 with those who may have been involved in supporting  
19 apartheid, and those concerns are set out in detail --  
20 and you will have seen -- in the statements of  
21 Christabel Gurney, a witness to these proceedings, and  
22 Peter Hain. These core participants and Ms Gurney would  
23 like to know if the "foreign security agency" that's  
24 referred in these reports is a South African apartheid  
25 state agency who were receiving additional reports from

1 the Security Services of this country. If so, if this  
2 information was being passed on to the South African  
3 Security Services, then this seems to have strayed very  
4 far from safeguarding public order in the UK. In fact,  
5 it appears to be the opposite. Rather than safeguarding  
6 public order and the citizens of the UK, it was giving  
7 information about legitimate campaigners to racist far  
8 right violent regimes that intended to harm them and at  
9 times cause serious injury and death to those who were  
10 opposing their racist policies.

11 I turn now to the role of Mike Ferguson in  
12 the Stop the Seventy Tour movement. And, Sir, for  
13 reference, I'm at paragraph 37 of our written opening.

14 In relation to Mike Ferguson we have three concerns.  
15 The first concern relates to the decision to target  
16 the Stop the Seventy Tour campaign which, on any  
17 reasonable view, was not subversive or extremist in any  
18 way.

19 Our second concern relates to the role that  
20 Michael Ferguson had within the Stop the Seventy Tour  
21 and how it was viewed within the SDS. On his account,  
22 he was a police officer playing a key organisational and  
23 senior role by spying on the -- sorry, playing a key  
24 organisational and senior role in the very organisation  
25 on which he was spying.

1           Our third concern is the inappropriate and  
2           disproportionate reaction to Mike Ferguson, not being an  
3           isolated example of inappropriate surveillance but being  
4           a consistent part of the activity of the SDS, because  
5           rather than being sanctioned for what he did,  
6           Mike Ferguson went on to hold senior positions within  
7           the SDS. He was responsible for recruiting officers to  
8           the SDS, overseeing junior officers, and their  
9           experience was something that the junior officers went  
10          to him to understand and went to him for advice. In  
11          other words, what he did was considered to be something  
12          that the SDS championed and saw as a positive thing  
13          rather than somebody who should have been sanctioned for  
14          becoming deeply involved in the organisation he was  
15          supposed to be spying on.

16          I move on to the inaccurate justification that's  
17          been presented for targeting the Stop the Seventy Tour  
18          and the Anti-Apartheid Movement.

19          These core participants feel it's important to  
20          correct the record related to the purported  
21          justifications for targeting the Anti-Apartheid  
22          Movement, Stop the Seventy Tour and other organisations  
23          campaigning against apartheid. Former  
24          undercover officers have claimed that these groups were  
25          involved in violence and disorder and that this

1 justified the actions of the SDS towards them. These  
2 claims are false. From the outset,  
3 the Stop the Seventy Tour and the Anti-Apartheid  
4 Movement were non-violent campaigning organisations.  
5 Violence was never part of their aims or methods.  
6 Lord Hain. Professor Rosenhead, Ernest Rodker and  
7 Christabel Gurney have all made statements to this  
8 inquiry confirming that to be the case. We ask you to  
9 take those into account, we ask you to accept their  
10 account, because their position is supported by  
11 contemporaneous documentation about the aims and methods  
12 of the Anti-Apartheid Movement, summed up by HN298 in  
13 his witness statement as follows:

14 "There was nothing clandestine or revolutionary  
15 about the Anti-Apartheid Movement, they were a group of  
16 people who didn't think the situation in South Africa  
17 was fair. They wanted to make apartheid a high profile  
18 issue so that people would say it was outrageous, in  
19 the hope that things would change. It was not  
20 subversive so far as I was aware. I do not think they  
21 employed or approved of the use of violence."

22 The Stop the Seventy Tour did engage in one violent  
23 direct action, however this went no further than minor  
24 damage to property and the disruption of events such as  
25 rugby matches. That approach was implicitly understood

1 by those who took part. Mike Ferguson occupied such  
2 a close position to the leadership of  
3 the Stop the Seventy Tour, on his own account, that it's  
4 telling that his reports about their plans and methods  
5 do not at any point indicate or suggest that  
6 the Stop the Seventy Tour supported the use of violence  
7 on demonstrations.

8 The claim by HN336, "Dick Epps", in oral evidence to  
9 the Inquiry that he attended a Stop the Seventy Tour  
10 demonstration at Twickenham at which instructions were  
11 given to attack the police is, as far as these  
12 core participants are aware, untrue. The three  
13 core participants who were involved in  
14 the Stop the Seventy Tour and attended demonstrations at  
15 rugby grounds, Lord Hain, Jonathan Rosenhead and  
16 Ernest Rodker, as well as Christabel Gurney, all deny  
17 that such instructions were given. We have set out at  
18 paragraph 49 in our written opening statement why we say  
19 this Inquiry should prefer the clear recollections of  
20 the core participants and Ms Gurney rather than an  
21 undocumented and improbable assertion revealed by an  
22 officer in oral evidence for the first time.

23 That brings me on to the Star & Garter  
24 demonstration. The arrest and prosecution of  
25 undercover officer Michael Scott at the Star & Garter

1 demonstration is an early and powerful example of how  
2 the work of the SDS eroded standards of fairness in  
3 the criminal trial process, and this was caused by  
4 the SDS policy of total secrecy in not disclosing  
5 the role of the undercover officers arrested at  
6 demonstrations to anyone. In many regards,  
7 the Star & Garter demonstration was the first instance  
8 of wilful abuse of the criminal justice system by those  
9 engaged in undercover policing and it became, as we've  
10 come to learn, a repeated pattern in the years that  
11 followed. This, in essence, is the beginning of  
12 a problem in the criminal justice system that we've seen  
13 play out really to the present day.

14 You've been taken through the Home Office guidance  
15 at paragraph 3 and paragraph 4 that were (inaudible)  
16 published in 1969 that related to informants taking part  
17 in crime and so I don't propose to repeat it; it's set  
18 out at paragraphs 51 onwards in our written opening  
19 statement.

20 The guidance was issued with a direction from  
21 the Home Secretary to all chief police officers to  
22 ensure means of commending -- to ensure "means of  
23 commending them to anyone who may be concerned in your  
24 force".

25 The SDS did not consider itself bound by this, and

1 that's significant. It didn't approach this in the way  
2 other police officers did. The undercover officers in  
3 Tranche 1 we've heard were largely unaware of this  
4 guidance, and the later SDS Tradecraft Manual summarised  
5 the contents of the Home Office guidance in  
6 the following way. It stated simply:

7 "... you cannot take part in crime unless you had no  
8 part in planning an incident and take a minor part in  
9 the crime itself. At no time can you instigate, counsel  
10 or procure others to commit a crime."

11 So far so good. Unfortunately,  
12 the Tradecraft Manual goes on to say:

13 "The above sentiments are laudable but the boundary  
14 between right and wrong in the SDS arena is never as  
15 clear-cut as the provisions in confidential memo 4 would  
16 have us believe."

17 We've seen no explanation or justification presented  
18 as to why the SDS believe the guidance from  
19 the Home Office should not apply to undercover officers.  
20 It's a clear illustration of the SDS proceeding on  
21 the basis that it can ignore legal guidance and existing  
22 policing principles. The key safeguard in  
23 the Tradecraft Manual to prevent undercover officers  
24 from acting unlawfully appeared to be no more than  
25 undercover officers informing their superiors of

1 a likelihood that they will be breaking the rule before  
2 such action was taken.

3 Critically, the Tradecraft Manual did not accompany  
4 the advice, or did not include the advice to inform  
5 senior officers that an obligation on the SDS to  
6 disclose unlawful activity to police officers -- by  
7 police officers to prosecutors, in the same way that it  
8 is set out in the Home Office guidance. The need to  
9 protect the integrity of the criminal justice process,  
10 or even to respect the legal privilege of co-defendants,  
11 appears to have been wholly disregarded. What guidance  
12 there is suggests the opposite. Undercover officers  
13 should not disclose their status to arresting officers  
14 and asking activists to recommend them a solicitor  
15 is "good fieldcraft". That's taken from  
16 the Tradecraft Manual itself.

17 And against that background, all of the features of  
18 what could go wrong are present in this early example of  
19 an undercover officer facing criminal  
20 charges: the arrest and prosecution of "Mike Scott" at  
21 the Star & Garter demonstration.

22 Could you please put up a final document, which is  
23 reference UCPI0000034072. {UCPI/34072/5}. Thank you.

24 That's an arrest taking place at the Star & Garter  
25 demonstration, which took place on 12 May 1972 at

1 a hotel in Richmond, where anti-apartheid activists  
2 sought to block the car park containing the coach due to  
3 take the British lions rugby team to the airport for  
4 a tour of apartheid South Africa. 20 activists took  
5 part in the demonstration, including Ernest Rodker,  
6 Jonathan Rosenhead, Christabel Gurney, and, unknown to  
7 them, the undercover officer "Mike Scott" also took  
8 part.

9 Uniformed police attended the demonstration and 14  
10 activists, including "Mike Scott",  
11 the undercover officer, were arrested, charged,  
12 prosecuted and convicted of obstructing the highway and  
13 obstruction of a police officer. "Mike Scott" faced  
14 trial, even though he was an undercover officer,  
15 alongside other activists and he was convicted under his  
16 false name. What the real "Mike Scott" must have made  
17 of finding out, if he ever did, that he was convicted,  
18 that there was a conviction under his name, is something  
19 that we won't be exploring, but I think has been  
20 explored to some degree.

21 The core participants have a number of concerns over  
22 the actions of "Mike Scott" and the Star & Garter  
23 demonstration. The first and most important one is  
24 the factual innocence of the people convicted. This is  
25 because the case was defended in part on the basis that

1 the demonstration blocked the car park and not  
2 the road -- in other words, the highway was not  
3 blocked -- and they were therefore factually innocent of  
4 the charge. The contemporaneous documents support  
5 the fact that at least most of the demonstrators were  
6 arrested in the car park. The defendants were concerned  
7 that police officers would lie and say that they were  
8 arrested on the road.

9           Importantly, there is nothing in the contemporaneous  
10 documents to suggest that the undercover officer  
11 "Mike Scott" disputed this defence. He was therefore  
12 aware that the charge was proceeding on a false basis.  
13 "Mike Scott", as a police officer, could and should have  
14 taken steps to correct the prosecution or to give  
15 evidence for the defence telling the court, as a police  
16 officer, where the arrests actually took place, but he  
17 didn't.

18           Our second concern is the lack of authorisation.  
19 The actions of "Mike Scott" in participating in  
20 the demonstration were not sanctioned in advance by his  
21 superiors. The suggestion appears to be that his  
22 involvement in the demonstration arose quickly and he  
23 couldn't -- and he didn't anticipate he would be  
24 arrested. We don't accept that explanation. Even  
25 a likelihood of arrest, before it happened, should have

1           been notified to senior officers in advance and that  
2           could have been done quickly.

3           Thirdly, we are concerned by the lack of disclosure.  
4           When senior officers learned of "Mike Scott's" arrest  
5           and charge they endorsed the plan to proceed through  
6           the trial process, and at no point was the existence of  
7           an undercover officer disclosed to the defendants, or  
8           arresting officers, the prosecution, it seems, or even  
9           the court.

10          This, therefore, is a key and eerily familiar theme  
11          of the miscarriages of justice cases that have come  
12          before the Court of Appeal more recently, and we have in  
13          mind the case that you will be very familiar with, Sir,  
14          the case of Bard and the case of Barkshire, which  
15          feature in other parts of this inquiry.

16          Our fourth concern is breach of legal privilege.  
17          During the preparation for trial, undercover officer  
18          "Mike Scott" became aware of confidential and privileged  
19          discussions between the defendants and their lawyers.  
20          This was included in reports sent by him to the SDS.  
21          Such information should not have been obtained or passed  
22          on by the police. Indeed, there's some irony in  
23          the fact that the Inquiry has redacted sections of  
24          the documents produced by HN298, and later comments by  
25          the relevant core participants, on the basis that they

1 attract the legal privilege of other defendants. In  
2 other words, it seems to be the Inquiry's approach,  
3 understandably, but with some irony, that legal  
4 privilege still persists over the information recorded  
5 by HN298. That simply underlines that that information  
6 should never have been there in the first place. Again,  
7 there was no consideration about the need to respect  
8 legal privilege either by "Mike Scott" or the senior SDS  
9 officers who dealt with the matter.

10 The Star & Garter incident is not alone. It wasn't  
11 a one-off and it can't simply be confined to its  
12 historical context because it was a pattern, as we see,  
13 of later events where prosecutions occurred in  
14 circumstances that involved undercover officers. And  
15 just by way of example, we have similar concerns about  
16 a lack of disclosure to defence and prosecution in  
17 the later prosecution of HN13, "Desmond" or  
18 "Barry Loader", in 1977. He faced trial alongside seven  
19 others for public order offences and charges against him  
20 were dismissed but other were convicted.

21 Three days after the trial finished, he was arrested  
22 again on a demonstration in Brixton. On this occasion  
23 he was found guilty of threatening behaviour, but he was  
24 issued with a fine and bound over; three co-defendants  
25 were also convicted.

1           On both of the occasions in relation to  
2           Barry Loader, no disclosure was made to defence or  
3           prosecution that an undercover officer was involved in  
4           the case in any way. Disclosure, it seems, was made to  
5           someone described as a "court official", who appears to  
6           have ensured that the first charge was dismissed and  
7           the second charge received a lesser penalty, but  
8           the name and the role of the court official has been  
9           redacted, so it's not clear if this is a judge, or a lay  
10          magistrate, or perhaps even just a member of court  
11          staff. Either way, we have, we hope, understandable and  
12          significant concerns about how this undermines  
13          the integrity of the court process.

14          The concerns expressed in the later cases to do with  
15          the Ratcliffe demonstration and the Court of Appeal case  
16          to which I've referred emphasise how important it is to  
17          see the failure of disclosure by the SDS as a critical  
18          failure in the criminal justice process, and  
19          the comments by Lord Chief Justice in those cases are  
20          mirrored in the review carried out by  
21          Mark Ellison QC and Allison Morgan in 2015, often  
22          described as "the Ellison Review". Not only is  
23          the Ellison Review concerned about failures in  
24          disclosure, but the review acknowledged that there was  
25          a paucity of documents in individual cases and therefore

1 difficulty in determining conclusively how issues  
2 relating to the involvement of undercover officers in  
3 criminal proceedings had been handled.

4 One of the points they made is that:

5 "The inevitable context ... the nature of  
6 the undercover deployments was such that on occasions  
7 [their deployments] must have generated material which  
8 was disclosable in criminal proceedings but which was  
9 not revealed by the SDS to the responsible investigators  
10 and prosecutors."

11 The events of the Star & Garter provide the first  
12 instance of the issues that are raised in subsequent  
13 prosecutions and were considered in the Ellison Review.  
14 The policy of "total secrecy" was a flawed policy. That  
15 was the policy of the Star & Garter demonstration and  
16 that is the policy that was carried through.

17 The disregard shown by undercover officer  
18 "Michael Scott" and those responsible for directing and  
19 supervising him towards the criminal justice process  
20 filtered through to other demonstrations and other  
21 groups. In 1974, whilst undercover in the Troops Out  
22 Movement, "Michael Scott" was made aware that he had  
23 been accused by Gerry Lawless of being a police spy.  
24 His response to that accusation was to confront  
25 Gerry Lawless alone in the street and punch him in the

1 face so hard that he broke a finger. We mention that  
2 example simply to say that that shows the level of --  
3 the brazen level of disregard for the criminal justice  
4 process, the willingness to infringe rules and  
5 the willingness to attack those who are trying to call  
6 people to account. It demonstrates that, to a very  
7 large extent, those who were involved in this approach  
8 to the criminal justice system and spying on  
9 demonstrators considered themselves to be above  
10 the legal process.

11 I finish, in relation to this part of my opening,  
12 with procedural issues, and Ms Heaven, on behalf of  
13 the coordinating non-police State core participants  
14 group will address procedural issues of a general  
15 nature, so I'm just going to highlight a few.

16 First of all, I mention again Mike Ferguson, HN135,  
17 Mike Ferguson. The reason I mention him is because he  
18 is, as we understand it, unique amongst  
19 the undercover officers in this Inquiry in that there is  
20 a restriction in relation to him over his cover name but  
21 not his real name. The decision to restrict the cover  
22 name was made without personal representations by  
23 Lord Hain, and we do mention that requests to review  
24 the restriction order that have been made by Lord Hain  
25 following receipt of disclosure from this Inquiry have

1           been refused without any response so far.

2           The consequences of a failure to release the cover name  
3           of Mike Ferguson prevent those who would be able to give  
4           information about him from being able to provide that  
5           material to this Inquiry.

6           There is another dimension to it which is  
7           significant and why not revealing his cover name is so  
8           problematic, because where an undercover officer is  
9           confirmed but remains unidentified, suspicions are  
10          inevitably raised about those who were present at the  
11          time. One of those active in the SDS in  
12          the Stop the Seventy Tour was Mike Craft,  
13          a long-standing anti-apartheid and peace campaigner,  
14          who's also a dentist. And now, following the naming of  
15          Mike Ferguson in the True Spies documentary, Mike Craft  
16          contacted Lord Hain expressing frustration that people  
17          had wrongly thought he might have been the police spy on  
18          the basis that he had the same name. Mike Craft sadly  
19          passed away in 2011 and is unable to participate in this  
20          Inquiry.

21          On his behalf, these core participants reject any  
22          suggestion -- they wish to make it clear that they  
23          reject any suggestion that he was an undercover officer  
24          and are saddened by the suggestion that others thought  
25          he might be. But as this incident shows, the need to

1 dispel rumours and false accusations is as much a part  
2 of getting to the truth as any other aspect of this  
3 Inquiry. In such circumstances the core participants  
4 are left only to express their dissatisfaction over  
5 the approach taken by the Inquiry about the need to  
6 obtain relevant evidence.

7 I move on to the failure to engage with potential  
8 core participants.

9 Christabel Gurney was a defendant at  
10 the Star & Garter demonstration and played a key role  
11 but she's not a core participant of this Inquiry and she  
12 only gives evidence as a witness. Other persons who  
13 were active in campaigns and spied on during the -- this  
14 period have similarly been refused core participant  
15 status. And there are a number of former members of  
16 the Workers Revolutionary Party in 1970 who fall into  
17 this category: Clare Cowan, Simon Pirani,  
18 Elizabeth Leicester (formerly Battersby), and they speak  
19 for many others. The reporting on  
20 the Workers Revolutionary Party was extensive and  
21 involving them as core participants would be helpful,  
22 but unfortunately that's -- the Inquiry has made  
23 a decision not to involve them as core participants.

24 Similarly, John Lockwood, who was a member of  
25 the SWP and named in Inquiry evidence. He was elected

1 to the steering committee of the All Lewisham Campaign  
2 Against Racism and Fascism and was prominent at  
3 the Lewisham demonstration and he also is not  
4 a core participant.

5 And other activists who have come forward, who we  
6 refer to at paragraphs 93 and 94 of our document, also,  
7 we believe, should have been core participants to this  
8 Inquiry and could have assisted.

9 So in concluding this section of my opening,  
10 the targeting of the groups campaigning against  
11 the South African apartheid regime appears hard to  
12 justify and it appears hard to justify because it is  
13 hard to justify. We say that not simply from a present  
14 day perspective; it was unacceptable and  
15 disproportionate, even judged by the standards of that  
16 time. These were political and social campaigns of  
17 worldwide significance and they deserve to remain free  
18 from the influence of undercover police officers.  
19 The decision to target Lord Hain, Professor Rosenhead,  
20 Christabel Gurney and Ernest Rodker as they campaigned  
21 against apartheid and to approach what they were doing  
22 as a threat to public order was a political choice. It  
23 involved the SDS taking a political approach to its  
24 work. It was a choice devoid of a proper assessment of  
25 proportionality.

1           In making that decision, we suggest the SDS made  
2           a serious and grave error in the way it treated  
3           the Anti-Apartheid Movement. This Inquiry should  
4           confirm that error as a matter of historical record. If  
5           there is ever to be confidence in a surveillance system  
6           that went badly awry, if we are ever to have confidence  
7           in it again, then we must find ways to ensure similar  
8           errors that are made in relation to these  
9           core participants do not occur in the future.

10           Sir, at that point I'll move on. Unless you want  
11           me to deal with anything coming out of the Star & Garter  
12           demonstration, I'll move on to the second part, which is  
13           Celia Stubbs, and I think that will take my  
14           approximately 25 minutes.

15       THE CHAIRMAN: That's absolutely fine.

16           Can I just confirm in relation to the Star & Garter  
17           that you have read the exchange that I had with  
18           Mr Skelton yesterday?

19       MR RYDER: I'm sorry I missed a word there, Sir. Did I?

20       THE CHAIRMAN: Can you confirm that you have read  
21           the exchange -- the transcript of the exchange that  
22           I had with Mr Skelton yesterday?

23       MR RYDER: Yes, I have.

24       THE CHAIRMAN: Then I don't propose to say any more about it  
25           at this stage.

1 MR RYDER: Yes, I've read it. We have a view about  
2 the terms of reference and the approach that the Chair  
3 should take to references. I've had an opportunity to  
4 speak to Mr Skelton about it. You may be pleased to  
5 hear that, certainly from the conversation we had  
6 yesterday, it looks like he and I at least are very much  
7 in agreement on the approach, so it might be that we can  
8 provide to you an agreed document, hopefully, and  
9 suggest what we both think to be the right approach to  
10 the terms of reference.

11 THE CHAIRMAN: Thank you very much. I'm grateful to both of  
12 you for that.

13 MR RYDER: I'll turn then on to the second part of my  
14 opening, which is -- relates to Celia Stubbs and I'll  
15 really finish with that.

16 Celia Stubbs is a core participant in this inquiry  
17 because of her relationship with Blair Peach and  
18 the campaigning that she did in relation to his death.

19 Blair Peach was killed by a police officer. In  
20 April 1979, he was attending a demonstration in  
21 West London. Police officers alighted from a vehicle  
22 and struck a blow to Blair Peach's head that killed him.

23 Celia Stubbs, the core participant in this Inquiry,  
24 was Blair Peach's partner at the time. She has  
25 campaigned for justice in relation to Blair Peach's

1 death ever since. No police officers were ever brought  
2 to justice for the killing of Blair Peach and that is  
3 because of a concerted and coordinated police cover-up.  
4 Fellow officers refused to provide important evidence.  
5 A key report, the Cass Report, that identified  
6 the officer suspected to have struck the blow, was  
7 withheld from those representing Celia Stubbs at  
8 the inquest into Blair Peach's death.

9 Celia Stubbs is a core participant in this Inquiry  
10 because she was placed under surveillance of doing  
11 the campaigning at the very time that coordinated police  
12 cover-up and perversion of the course of justice was  
13 taking place. The killing of Blair Peach by a police  
14 officer and the cover-up that followed it was and  
15 remains one of the most notorious events in the history  
16 of the British policing. It is and should be a national  
17 disgrace. It is a permanent stain on  
18 the Metropolitan Police in general and the Special  
19 Patrol Group in particular.

20 This Inquiry cannot make good the historic injustice  
21 of Blair Peach's killing. However, it has a unique  
22 opportunity to examine the behaviour of  
23 undercover officers at that time who were deployed to  
24 spy on Celia Stubbs and others whilst she was  
25 campaigning for accountability and justice.

1           The surveillance of Celia Stubbs is of particular  
2           significance to the remit of this Inquiry. This is  
3           because her experience reveals that the SDS, from its  
4           very inception, was corrupted by a misguided  
5           political motivation. As socialist, anti-racist  
6           campaigners, Blair Peach and Celia Stubbs were  
7           the subject of intelligence-gathering even before his  
8           death. But more importantly, following Blair Peach's  
9           death, those campaigning for police accountability  
10          became a core focus of the undercover policing. Abuse  
11          and misuse of undercover policing against campaigns by  
12          bereaved members of the public occurred in relation to  
13          the death of Blair Peach, and you will see throughout  
14          this Inquiry it is a pattern that continued in the years  
15          and decades that followed.

16          Celia Stubbs has set out the details of  
17          Blair Peach's tragic death and the subsequent campaign  
18          for justice in her statement to the Inquiry.

19          At this point, could we have document DOC020  
20          {DOC/20/1}, which is a picture of Blair Peach.

21          Her account reveals the brutality of  
22          the Special Patrol Group of the Metropolitan Police  
23          Service and the sustained cover-up that followed his  
24          death. Both Celia Stubbs and Blair Peach were  
25          campaigners prior to his death on issues which they

1 considered to be important to society. Blair Peach was  
2 a well-respected teacher and trade unionist. He was  
3 a member of the National Union of Teachers and he was  
4 particularly concerned with campaigning against racism.  
5 Both Celia Stubbs and Blair Peach were members of  
6 the International Socialists, subsequently becoming  
7 the Socialist Workers Party. In Celia Stubbs'  
8 experience, these were social organisations that  
9 believed in justice and equality and highlighting  
10 injustice, and although theoretical background was  
11 revolutionary socialism, their activities were based  
12 around everyday activism and justice as trade unionists.  
13 They participated in demonstrations and in anti-racist  
14 activities.

15 You can take the picture down now, thank you.

16 Celia Stubbs and Blair Peach were both members of  
17 the Anti-Nazi League. It was that interest which led to  
18 their participation in the anti-racist protest in  
19 Southall on 23 April 1979. We've seen -- there's no  
20 need to put it up on the screen now, but we've seen in  
21 our(?) opening before a poster from that event which  
22 invited attendance to a unity and peace march, what was  
23 described as a "peaceful sit down outside Southall"  
24 {DOC/019}. The march was in protest against  
25 the National Front holding a meeting at

1 Southall Town Hall. Celia Stubbs was on the march but  
2 not present with Blair Peach at the time of the fatal  
3 blow. She witnessed officers on horse and on foot  
4 chasing demonstrators into Southall Park and hitting  
5 people with truncheons.

6 In the course of the march, six officers from  
7 the SPG alighted from a van onto the junction of  
8 Orchard and Beachcroft Avenues. Blair Peach was  
9 present, and one of those SPG officers struck a blow to  
10 his, head killing him.

11 Commander Cass of the Metropolitan Police Service  
12 conducted an internal investigation but was met with  
13 silence from the six SPG officers who were present. By  
14 any standards, their behaviour in shielding a fellow  
15 officer from justice for murdering a member of  
16 the public is a disgrace.

17 Commander Cass concluded that the officers were  
18 clearly obstructing police officers carrying out their  
19 duty in investigating this serious matter.  
20 Commander Cass's report was clear that a police officer  
21 had killed Blair Peach and that the officers present  
22 intended to protect one another and keep the truth  
23 hidden. It was also Commander Cass's report itself that  
24 confirmed the killer to be a police officer. He  
25 identified Inspector Murray as the first officer to have

1           alighted from the vehicle before Blair Peach was struck  
2           and Commander Cass stated that grave suspicion attached  
3           to him. However, that internal report was not made  
4           public until April 2010, 31 years after Blair Peach's  
5           death.

6           Significantly, Commander Cass's report was not  
7           shared with the jury in the inquest concerning  
8           Blair Peach's death. The inquest was really a travesty  
9           of what ought to be expected of an inquest and returned  
10          a conclusion of "misadventure". Many years after  
11          the event it transpired that the coroner, John Burton,  
12          had written to Ministers part way through the inquest  
13          dismissing the belief that Blair Peach was killed by a  
14          police officer as political fabrication. After  
15          the inquest Mr Burton wrote a draft paper entitled,  
16          "Blair Peach the - unpublished story" which he proposed  
17          to publish. It expressed the belief that  
18          the National Front and police were blameless and  
19          the killing was the fault of the demonstrators,  
20          including Blair Peach himself.

21          The Home Office, internally, shared concern that  
22          the report would discredit the impartiality of  
23          the coroners -- we might feel, an understandable  
24          conclusion to draw from Mr Burton's actions -- and its  
25          publication could do "a great deal of harm ... in

1           respect of the Home Secretary decision that a public  
2           inquiry should be resisted". In other words,  
3           Mr Burton's draft report had revealed to the Home Office  
4           that there had not been an impartial investigation and  
5           that there was every reason for a public inquiry, but  
6           that draft report was kept hidden, partly to ensure that  
7           a public inquiry could be resisted.

8           As a result, the long-running campaign for justice  
9           for Blair Peach never achieved its aim. The campaign  
10          did uncover that unauthorised weapons had been found in  
11          SPG lockers at Barnes police station, including  
12          a lead-weighted rubber cosh. At the home of one of  
13          the six SPG officers was found a lead-weighted wooden  
14          cosh, swords and bayonets and a collection of Nazi  
15          regalia.

16          Celia Stubbs has dedicated much of her life  
17          following her partner's death to campaign not only for  
18          justice for Blair Peach, but also to assist others who  
19          had suffered injustices, and we've set those out in her  
20          -- in our previous opening statement, and you will be  
21          aware that the charity, INQUEST, is in part -- was in  
22          part formed because of the work of Celia Stubbs, and she  
23          has contributed to a number of campaigns, including  
24          being a member of the Hackney Community Defence  
25          Association, and, as she says in her statement, "All of

1           these campaigns have been about strengthening civil  
2           society, campaigning on issues like legal aid, lawyers  
3           groups and Parliamentary lobbying".

4           We mention all that background because it's against  
5           that background of bereavement and cover-up that  
6           Celia Stubbs has learned that throughout those campaigns  
7           the SDS was secretly gathering information about her and  
8           her campaigning.

9           In relation to the disclosed documents it's  
10          important to note that there are very significant gaps  
11          in what has been disclosed. It reveals that both  
12          Celia Stubbs and Blair Peach were the subject of  
13          Special Branch registry files prior to his death in  
14          1979. Reference numbers indicate the files were opened  
15          in 1974 and 1978, but these registry files have not been  
16          obtained and not been disclosed to Celia Stubbs by  
17          the Inquiry. The SDS reported Celia Stubbs as being  
18          present at the inaugural public meeting of the Hackney  
19          Community Relations Council in 1976, and a meeting of  
20          the International Socialists in July 1976, but no  
21          documents have been disclosed about her or Blair Peach  
22          before his death.

23          Following Blair Peach's death the subsequent  
24          campaign for justice was a frequent subject of SDS  
25          reporting. In forwarding the SDS annual report for 1979

1 and seeking approval for its continuance from  
2 the Home Office, it was reported by the Assistant  
3 Commissioner of Scotland Yard that the "focal point" of  
4 so-called "extremist activity" held -- had been  
5 the General Election in 1979, and that the "culmination  
6 of the virulent anti-fascist demonstrations was  
7 the death of the Anti Nazi-League supporter Blair Peach  
8 and the subsequent campaign against the Police". It's  
9 striking that Blair Peach's death and the "subsequent  
10 campaign against the police" was reported by the SDS to  
11 be a focus. They were working purportedly to protect  
12 the public from extremists and subversives but at  
13 the same time, from this very early stage, they were  
14 justifying their own existence to the Home Office by  
15 reference to surveillance on the campaign in relation to  
16 Blair Peach. The Home Office responded on 1 April 1980  
17 by "noting the continuing value of the squad" and  
18 authorising its continuance. The Blair Peach campaign,  
19 a campaign in relation to the killing of someone by  
20 police that was covered up, was a core reason for  
21 the justification of the SDS from these very early  
22 stages.

23 The Blair Peach campaign featured in various SDS  
24 reports, such as reports of a SWP meeting in April 1979,  
25 in May 1979 and so on. On 30 May 1979 an SDS report

1 attached a leaflet produced by the Friends of  
2 Blair Peach Committee. The leaflet described that  
3 answers were sought to the questions: "Who killed  
4 Blair Peach and why?", "What were the activities of  
5 the police?", "What orders were given and by whom?".  
6 The leaflet suggested actions such as phoning a local  
7 radio station, writing to the local newspaper,  
8 contacting a local MP. We emphasise this because this  
9 is what was considered to be an important factor of  
10 surveillance within an SDS report when on the face of it  
11 there was nothing subversive or extremist in that  
12 campaign or seeking to gain that information.

13 A source of significant distress for Celia Stubbs is  
14 that the SDS were present at Blair Peach's funeral on  
15 13 June 1979. A report lists a number of individuals  
16 present at the funeral and other reports include  
17 photographs of some of those in attendance. According  
18 to the gist of the closed statements, one officer  
19 describes attending the funeral. It's said that they  
20 would have been expected to attend so they would not --  
21 and so they did so in support of their cover identities.  
22 That explanation is not accepted by Celia Stubbs.  
23 Certainly, if they had needed to make an excuse not to  
24 attend the funeral, or (inaudible) event, they could  
25 have done so. But in any event, intelligence was

1 gathered and reported, and photographs were taken of  
2 attendees, men who SDS officers were subsequently asked  
3 to identify. It is something that has tarnished and  
4 corrupted the memory of the funeral in a way that should  
5 never have happened. The idea of police having been  
6 responsible for the death and then responsible for  
7 spying on people at the funeral is something very  
8 difficult to accept.

9 It is clear the SDS were interested in the methods  
10 considered by the Friends of Blair Peach Committee to  
11 further its campaign for justice, but it is very  
12 difficult to disentangle legitimate concern with  
13 the defensive desire to protect police officers from  
14 being called to account, particularly since we know of  
15 the cover-up that was taking place at exactly the same  
16 time.

17 It's also important to note that the SDS interest in  
18 the campaign regarding Blair Peach's death did not  
19 diminish over the years that follow. A report of  
20 28 July 1998 with the heading "touchy subject" reports  
21 that April 1999 represents the 20th anniversary of  
22 the death of Blair Peach and to commemorate the event  
23 local trade unions were organising a large rally and  
24 demonstration which it was said would "be presented with  
25 a strong anti-racist, anti-police flavour". The report

1 also suggests that the event will attract "anti-police  
2 type groups" and "the potential for disorder will be  
3 significant".

4 Now, this justification for the spying on the basis  
5 that it would attract anti-police groups and there was a  
6 potential for disorder is important because, when you  
7 examine it, it might be noted that disorder would  
8 represent a departure from the Blair Peach campaign for  
9 the preceding 20 years of peaceful campaigning. It  
10 simply wasn't something that could be justified.

11 Viewed through the prism of these reports, it can be  
12 seen that the legitimate campaigns for accountability  
13 and justice were approached in terms of the speculative  
14 potential for disorder rather than any evidence to  
15 suggest that. It is misguided, tragic and also  
16 disturbing that there was little attempt to see those  
17 campaigning against the police misconduct as potential  
18 allies of a police establishment that should have wanted  
19 and shared in the common interest for justice. Ideally,  
20 the legitimate grievances could have been respected as  
21 aligning with important principles of transparency and  
22 policing by consent, but instead the campaigns were  
23 characterised at public order risks, even when any risk  
24 of disorder was, at the very highest, remote or  
25 unlikely.

1           It is clear that the targeting of the justice  
2           campaigns continued and expanded beyond the Blair Peach  
3           campaign and the period with which this Inquiry is  
4           concerned, and we've set out at paragraph 30 in our  
5           written opening statement references to  
6           the Colin Roach Centre, with which Celia Stubbs was  
7           involved, and the activity around that. We've also set  
8           out the Celia Stubbs' involvement in the Hackney  
9           Community Defence Association and the campaign regarding  
10          the conviction of Malcolm Kennedy.

11          At paragraph 32 of our written opening statement we  
12          do make the following, which we consider to be an  
13          important and new point, because Celia Stubbs is also  
14          concerned to discover that lawyers who assisted her were  
15          the subject of interest of Special Branch.  
16          Sir Stephen Sedley, now a retired Court of Appeal judge,  
17          represented Celia Stubbs as her barrister at the inquest  
18          into Blair Peach's death. He is described in  
19          a Special Branch report of 3 February 1981 as having  
20          spoken at a conference on racism in the police.  
21          Sir Stephen is ascribed a registry file number and was  
22          plainly, it seems, of interest to Special Branch. It  
23          appears also that Mike Siefert, a solicitor who  
24          represented Celia Stubbs, was also the subject of  
25          a registry file.

1           So an additional feature of concern to Celia Stubbs  
2           is the manner in which the Metropolitan Police not only  
3           spied on lawyers but also appear to have instructed  
4           their lawyers to present a knowingly false position to  
5           the inquest and she is concerned at the extent to which  
6           their lawyers acquiesced in that process. It's  
7           a miscarriage of justice not in relation to a criminal  
8           conviction but in relation to an inquest. It's very  
9           difficult for her to reconcile the allegations made  
10          against protesters by police lawyers at the inquest and  
11          their attempt to deflect responsibility for the killing  
12          of Blair Peach away from officers when it seems that at  
13          the time they were doing so and taking that approach  
14          the police establishment and their lawyers were well  
15          aware of the contents of the Cass Report and they were  
16          well aware of the fact that it was being withheld from  
17          those representing Celia Stubbs.

18                 I move on to the purpose of gathering intelligence  
19                 regarding the Blair Peach campaign.

20                 The gathering of that intelligence begs the question  
21                 as to why it was gathered, and to what use it was put.  
22                 It doesn't seem it can have been for the purpose of  
23                 preventing public disorder. This is because  
24                 the intelligence relating to the campaign reveals not  
25                 just the absence of any disorder or any attempt at

1 disorder, but the campaign was determinedly only use  
2 peaceful, lawful and legitimate means to carry out its  
3 work.

4 It was suggested by the designated lawyers in  
5 the opening prior to Part 1 that SDS personnel "did  
6 not infiltrate or target justice campaigns and that such  
7 campaigns", and that such campaigns were "only referred  
8 to in SDS intelligence reports if and to the extent that  
9 they came into contact with those who were being  
10 reported on". Now, that's what we were told by those  
11 representing the undercover officers before Part 1.  
12 Their suggestion appears to have been that any  
13 intelligence gathered on justice campaigns was simply  
14 incidental to some other objective or target. If that's  
15 the suggestion, we now know from the disclosed documents  
16 that we've seen before this part of the inquiry that  
17 the designated lawyer's suggestion was incorrect, and if  
18 it is incorrect, it should be corrected and it should be  
19 withdrawn.

20 The following is significant. Firstly, as outlined  
21 above, one officer -- or as I've set out above, one  
22 officer describes targeting the Blair Peach campaign and  
23 specifically being tasked to do so. In other words, he  
24 was deliberately targeted with the campaign and it  
25 wasn't incidental.

1           Secondly, Blair Peach's death and the subsequent  
2           campaign was expressly highlighted in annual reports.  
3           It's untenable to suggest that the campaign itself was  
4           not being targeted for surveillance by senior officers.

5           Thirdly, a reasonable reading of the reports  
6           undermines the suggestion that surveillance of justice  
7           campaigning was merely incidental to reporting on  
8           others; frequently the subject of the report is limited  
9           to the Blair Peach campaign itself, on other occasions  
10          it refers to other linked but similarly legitimate and  
11          peaceful campaigns for justice.

12          Fourthly, if the suggestion of  
13          the designated lawyers was correct, then it begs  
14          the question, who was being reported on? Because  
15          the majority of reports detail no one other than  
16          law-abiding citizens and legitimate campaigners such as  
17          Celia Stubbs, who have nothing to do with public order.

18          And, lastly, it's also apparent that over a period  
19          of at least two decades, the SDS surveillance covered  
20          a number of justice campaigns, including organisations  
21          such as the Colin Roach Centre. And again, it's  
22          untenable to suggest that this happened only  
23          incidentally or by chance.

24          There is a document which relates not to  
25          the gathering of information on the Blair Peach campaign

1 but the use to which that information was put. And it  
2 reveals the use of intelligence gathered by the SDS, not  
3 for any purpose connected with disorder, but for use by  
4 the Metropolitan Police Service in responding to  
5 the Blair Peach campaign.

6 A Special Branch memo of 25 April 1980 reports  
7 Special Branch officers having met with the Deputy  
8 Assistant Commissioner of operations of  
9 the Metropolitan Police regarding the Friends of  
10 the Blair Peach committee, and consideration being given  
11 to applying for a High Court injunction to prohibit  
12 further publication of the names of SPG officers  
13 allegedly involved in Peach's murder. As described in  
14 that memorandum, the Deputy Assistant Commissioner was  
15 told that the Friends of Blair Peach campaign was an  
16 umbrella organisation dominated by the SWP and  
17 Anti-Nazi League. And a number of leading figures were  
18 identified, including Celia Stubbs, as was -- as was  
19 the location from which the committee operated.

20 This was all around the time of the inquest  
21 regarding Blair Peach's death. It's clear that the SDS  
22 information was circulated by Special Branch to very  
23 senior officers within the Metropolitan Police Service  
24 to assist in its response to the actions of the Friends  
25 of the Blair Peach committee, and to determine whether

1 a High Court injunction should be sought.

2 The fact that Special Branch maintained files on  
3 lawyers, such as Sir Stephen Sedley and Mike Seifert,  
4 adds to that picture of covert intelligence-gathering  
5 being used for purpose -- for purposes very different  
6 from simply protecting the public against disorder.  
7 The relationship between lawyer and client is, or at  
8 least ought to be, sacrosanct. To Celia Stubbs, it is  
9 immensely disturbing that those who represented her and  
10 from whom she expects to seek confidential advice were  
11 the subject of surveillance.

12 I move on to policing public order and  
13 intelligence-gathering.

14 The fact that intelligence-gathering on  
15 the Blair Peach campaign has little, if anything, to do  
16 with public order is also consistent with what appears  
17 to have been the broader and general  
18 intelligence-gathering of SDS for the Security Services  
19 and Special Branch. A component of  
20 intelligence-gathering appears to have been overtly  
21 political, focusing on left wing activity. It's  
22 the same point that I emphasised earlier when we were --  
23 when I was going through the targeting of  
24 the Anti-Apartheid Movement.

25 At paragraph 42 of our written opening statement we

1 quote from a 1976 Special Branch memo, which again  
2 appears to emphasise the focus and the political nature  
3 of the activity.

4 This is made explicit not only in relation to  
5 the political focus, but also, in exactly the same way,  
6 the relationship between the SDS surveillance and  
7 the request of the Security Services for that  
8 surveillance to be carried out.

9 HN353, for example, states that much of  
10 the information he provided "was probably more helpful  
11 to the Security Services than the police", and, "I don't  
12 think anything I witnessed was actually subversive."

13 One of the most significant matters for you to  
14 consider, Sir, in this part of the inquiry, particularly  
15 given the material you'll be looking at and the time  
16 period you'll be looking at, is the fact of missing  
17 evidence, that doesn't appear to be missing just through  
18 the passage of time but is conspicuous by its absence.

19 It's apparent that the disclosed documents reveal  
20 only a fraction of the intelligence-gathering of  
21 the SDS. A number of undercover officers observe that  
22 they drafted a considerably greater number of reports  
23 than has been shown to them.

24 For example, HN299 explains that he would attend six  
25 meetings a week and a demonstration at the weekend, and

1 put in a report for every meeting. Yet there are fewer  
2 than 200 reports in his witness pack.

3 Given that the 1979 annual report highlights  
4 the Blair Peach campaign as one of the key focuses of  
5 that year, one would have expected to see it in  
6 a greater number of documents.

7 It's also evident that the intelligence was gathered  
8 and placed in registry files, yet those registry files  
9 have not been obtained and disclosed by the Inquiry.  
10 The registry files, we say, would give a more complete  
11 picture of the intelligence gathered on any given  
12 individual, and of whether, and to what extent,  
13 particular individuals were targeted.

14 What also causes concern is not just that documents  
15 are missing but, much more importantly, which documents  
16 are missing.

17 It's striking, for example, in relation to  
18 the controversial events of Red Lion Square and  
19 the death of Kevin Gately in 1974, and in relation to  
20 Southall and the death of Blair Peach, virtually nothing  
21 exists, notwithstanding or, unfortunately, we would say,  
22 more likely because of, the two fatalities that occurred  
23 at those events.

24 To the extent that the SDS was purportedly  
25 concerned, at least in part, with public order, one

1 would expect detailed reports of such significant  
2 events. For example, in relation to the National Front  
3 March in Lewisham in 1977 there is a 56-page report,  
4 which describes events leading to the march and  
5 the march itself, and there's a further six-page report  
6 documenting the detailed debriefing of Special Branch  
7 officers who had been present.

8 As one officer described:

9 "Most of my reporting would have been about  
10 demonstrations. This would include reporting in advance  
11 of demonstrations about the likely numbers ... the  
12 location and any information I had picked up about the  
13 demonstration ... If it was a big demonstration, there  
14 might be reports from 2 or 3 SDS officers ..."

15 Now, against that background, there is nothing in  
16 relation to Red Lion Square. We suggest you will  
17 find -- you should find that the only reasonable  
18 inference is that these reports were considered so  
19 damaging to the police they've been deliberately  
20 destroyed.

21 HN301 recalls being present at Red Lion Square and  
22 being punched by a police officer, not having done  
23 anything to warrant being hit. His reports are missing.  
24 So these omissions, we suggest, should trouble  
25 the Inquiry.

1           In the Scarman report, one of the key issues  
2 identified as contributing to the events was  
3 a misunderstanding between organisers and the police as  
4 to the route of the demonstration. And these are  
5 precisely the matters upon which the SDS would be  
6 expected to report, particularly in the circumstances  
7 that the 1974 annual report identified as the most  
8 traumatic of the year.

9           As far as Celia Stubbs is concerned, it's pertinent  
10 that the same applies in relation to the march in  
11 Southall. We are particularly concerned about  
12 the absence of a report because there was a reference in  
13 the material in relation to part 1 and I -- it's not in  
14 our written opening, and I put this reference in, and it  
15 may be useful to give you the reference now: MPS-0733404  
16 {MPS/733404} is a reference to material that was  
17 disclosed in relation to part 1 that seems to refer to  
18 a Blair Peach -- or a report about the Southall  
19 demonstration, and yet nothing has been disclosed to us.  
20 So either that report has been destroyed, or that report  
21 hasn't been disclosed. But one way or another,  
22 Celia Stubbs is not seeing the full extent of  
23 the information or reporting that would have been  
24 present in relation to that demonstration.

25           In the gist of the closed statements, it seems that

1           one officer was present at the demonstration in which  
2           Blair Peach sustained fatal injuries. it's stated that  
3           in both instances advanced and retrospective  
4           intelligence was provided at these events. But there  
5           seems to be no documentation to support that. Despite  
6           the explicit confirmation that such intelligence was  
7           supplied by SDS officers, not a single document has been  
8           disclosed, and we don't understand why.

9           What is most troubling about the missing evidence is  
10          that it leads to an inexorable conclusion that important  
11          material directly relevant to the role of undercover  
12          policing in respect to the most controversial, notorious  
13          historic events has been deliberately withheld from  
14          the Inquiry, or for some reason has not been disclosed  
15          to core participants by the Inquiry. On a structural  
16          level, this strikes at the very heart of the remit and  
17          purpose of the Inquiry.

18          And, Sir, we would ask you to make clear, if you  
19          have not been able to see information that appears to  
20          have been in existence at one time, to make that clear,  
21          because the absence of that documentation, the absence  
22          of that information is an important feature of what has  
23          gone wrong in this process.

24          On a personal level, for those who have been  
25          bereaved, such as Celia Stubbs, it is yet another

1 example of the obstruction she has faced in her search  
2 for truth and accountability. The absence of any  
3 intelligence in relation to the policing of the event  
4 still leaves open the question of whether he, or any of  
5 his companions on the day, had been specifically  
6 targeted.

7 It's apparent on reviewing the disclosed documents  
8 there remains significant difficulty in understanding  
9 the extent and the motivations of the SDS work, and that  
10 is largely due in part -- largely due to missing  
11 documents.

12 It's also, in part, because the evidence gathering  
13 process is of itself weighted towards the narrative of  
14 the events being revealed through the perspective of  
15 the SDS. There may be some inevitability about that,  
16 but we ask you to take that strongly into account.  
17 The primary documents are almost exclusively documents  
18 created by the SDS and Special Branch. They describe  
19 events as told through the perspectives of those  
20 authors. Some documents, notably the annual reports,  
21 are drafted specifically to justify the SDS's existence.  
22 These documents are an important starting point, yes,  
23 but they also present a one-sided narrative.

24 The opportunity for a fair and balanced narrative  
25 has been limited. Non-state core participants had

1 the opportunity to provide witness statements some time  
2 ago, but it was at the time, and because of the way  
3 the Inquiry was set up, that there was limited  
4 disclosure. The statements were therefore provided at  
5 a time when the activities and interests of the SDS  
6 weren't known to the core participants or witnesses,  
7 other than in the most general sense. In contrast,  
8 the police material had been available to the inquiry  
9 for a matter of years and it's been available to  
10 non-state core participants only a few weeks prior to  
11 the hearing.

12 The opportunity for a genuine forensic examination  
13 of relevant material has been lost and it's replaced  
14 with a set of witness statements by undercover officers  
15 that necessarily establish an accepted narrative about  
16 the function, ethics and practice of the SDS, so there  
17 hasn't been an real opportunity to input into which  
18 witnesses are called into evidence and how.

19 One important opportunity to test the narrative told  
20 by the SDS documents is in the question of witnesses and  
21 a number of those representing non-state  
22 core participants have addressed you on this point.  
23 The scope for representatives of the non-state  
24 core participants to ask questions is -- and we join  
25 with this concern -- extremely limited. It compounds

1 the sense of unfairness, and Celia Stubbs urges  
2 the Inquiry to find a way to re-engage with non-state  
3 core participants at the conclusion of this phase of  
4 the hearings in order to consider whether disclosure and  
5 questioning of witnesses can improve the process and  
6 turn it into one which better facilitates the proper  
7 participation of non-state core participants.

8 Despite all the points I've made above, the Inquiry  
9 must still do what it can in this phase. It must still  
10 try to test the purported justifications of the SDS  
11 work, and to understand the actual uses to which  
12 the gathered intelligence was put.

13 Celia Stubbs has always been someone who has  
14 campaigned in accordance with the law and in accordance  
15 with the legitimate rights she has. Blair Peach, too,  
16 was a campaigner seeking to push forward the right  
17 approach to people's rights, anti-racism, and to do so  
18 in a way that brought people together. They have sought  
19 to do so in an environment in which, at the same time,  
20 they were both placed under surveillance, and  
21 Celia Stubbs' work was the subject of significant  
22 scrutiny.

23 Not only is she here because of Blair Peach's  
24 killing, but she is here because the surveillance she  
25 was put under and her desire for answers and

1           accountability. It is not for her to have to explain  
2           why she should not have been the subject of  
3           surveillance. It is for the state to justify why it  
4           engaged in such significant and covert intrusions into  
5           the private lives and activities of her and others who  
6           were involved in the campaign for justice for  
7           Blair Peach.

8           This Inquiry, we hope, will forensically test any  
9           justifications that are being put forward. As it  
10          appears to Celia Stubbs, the disclosed documents do not  
11          reveal any justification at all of the covert gathering  
12          of intelligence on her or the campaign regarding  
13          the killing of Blair Peach.

14          Finally, Celia Stubbs and her legal team would like  
15          to thank the Chair for permitting access to these -- to  
16          this hearing bundle to Dr Graham Smith, another  
17          core participant and a leading academic in police  
18          accountability. The work in preparing for these  
19          hearings has been greatly assisted by his input. And we  
20          mention it because you, as chair, may wish to consider  
21          the contribution that can be made by academics and  
22          researchers if they have an opportunity to look at all  
23          the material that could be available as the Inquiry  
24          progresses.

25          Sir, thank you very much for allowing me to go over

1 my allotted time. I'm very grateful.

2 THE CHAIRMAN: Thank you. You had a lot of ground to cover  
3 and I make no criticism of the fact that you went over  
4 the allotted time.

5 As you and we all know, tomorrow is the 42nd  
6 anniversary of the date on which the blow which caused  
7 Blair Peach's death was struck. Although we are holding  
8 a hearing tomorrow and we will begin at 10, it will  
9 begin with me saying something about that event, in  
10 terms that I know have been approved by Celia Stubbs,  
11 and, as in the case of Stephen Lawrence, holding  
12 a minute's silence to remember him.

13 MR RYDER: Thank you.

14 THE CHAIRMAN: We will now adjourn, therefore, until  
15 tomorrow.

16 MR FERNANDES: Thank you, everyone. The opening statements  
17 have now finished for the day. We shall resume at 10 am  
18 tomorrow.

19 (2.37 pm)

20 (The hearing adjourned until 10.00 am on Friday,

21 23 April 2021)

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INDEX

PAGE

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 by MS LANGFORD .....3  
Opening statement by "MADELEINE" .....34  
Opening statement by MS KAUFMANN QC .....59  
Opening statement by MR RYDER QC .....99