

IN THE UNDERCOVER POLICING INQUIRY

OPENING STATEMENT FOR T1P3 ON BEHALF OF CELIA STUBBS REPRESENTED BY BHATT MURPHY SOLICITORS

1. Celia Stubbs was the partner of Blair Peach, who was killed by a police officer striking a blow to his head during a protest against racism in Southall in April 1979. A photograph of Blair Peach is at **DOC020**. The circumstances of the tragic death of Blair Peach and the sustained cover-up that followed it is told in Celia Stubbs' statement,¹ and was summarised in her opening statement for Part 2 of this tranche of the Inquiry.

2. In that opening statement, we said:²

Celia Stubbs has always been a law-abiding citizen, as was Blair Peach. She is here for answers and accountability. She is not, of course, under any obligation to explain why she should not have been the subject of surveillance: it is for the state to justify why it engaged in such significant and covert intrusions into the private lives and activities of her and others involved in the campaign for justice for Blair Peach. It is for the Inquiry to forensically test the justifications being put forward.

3. It has always been apparent that policing public disorder could not provide sufficient justification for the intrusion into the peaceful campaigns pursued by Celia Stubbs. Nearing the close of the evidence of this tranche of the Inquiry, it is unsurprising that the disclosure has not revealed even the faintest suggestion that Celia Stubbs has been involved in anything other than important and lawfully pursued campaigns, not only in relation to the death of Blair Peach, but also in founding INQUEST, which continues its invaluable work in assisting bereaved families four decades after it was established.

4. It would also be fanciful to suggest that the intelligence gathered by undercover officers on Celia Stubbs and the Blair Peach campaign was incidental to reporting on political activists who were involved in public disorder and included only in a 'hoovering' approach to intelligence gathering. It cannot explain the maintenance of covert intelligence on Celia

¹ UCPI-34309

² Paragraph 58

Stubbs and the campaigns with which she was associated with over a period of decades. It is also undermined by the emerging evidence as to the uses to which covertly gathered intelligence was put.

5. Whether or not the SDS was conceived as a response to concerns relating to public disorder, it quickly morphed into a source of information to serve the interests of Special Branch more generally, and of the Security Service. And it is evident that Special Branch had a keen interest in intelligence regarding campaigns which sought to ensure police fully account for their conduct in public. That interest was not to protect the public from harm, but to protect the police themselves from having to account for their actions. Special Branch wanted to stay one step ahead of the legitimate and understandable concerns of Celia Stubbs and were willing to make use of covert intelligence to do so.

Tasking in respect of the Blair Peach campaign

5. The managers who have given written evidence generally deny any knowledge of why the Blair Peach campaign was reported on, or the extent to which information provided by the SDS was further to specific tasking.
6. That, in part, is unsurprising as to date the Inquiry has not been given any cogent explanation at all as to how tasking took place generally. HN218 Barry Moss describes that undercover officers would need *“a good grasp of the workings and aims of Special Branch”* and, beyond that, the *“direction taken by UCOs was a matter for them using their judgment and discretion”*,³ presumably with reference to the general aims of Special Branch. Other managers describe more direct and specific targeting, albeit such tasking generally appears to relate to matters other than public disorder. HN244 Angus McIntosh, for example, describes *“decisions as to targeting and tasking”* being taken *“by other police departments and government departments”*, and he would relay the instructions on tasking to the undercover officers.⁴
7. There is, at least, no pretence that the interest of the SDS was limited to public order. HN34 Geoffrey Craft describes that the key role for SDS was public order⁵ but also acknowledges that the SDS *“became involved in, and was largely supportive of, the Security Services responsibility for subversion”* and that information was gathered for the

³ MPS-0747797/13, para 23(e)

⁴ MPS-0747578/13, para 39

⁵ MPS-0747446/26, para 66

Security Service.⁶ HN218 Barry Moss describes that the SDS had a “*dual function*” of obtaining intelligence to assist the MPS in dealing with public disorder, and a second purpose (described as ‘ancillary’) of assisting the Security Service in the execution of their duties by providing intelligence on groups of interest.⁷

8. It is clear, in general terms, that the motivation for the undercover policing in the SDS was far broader than public disorder and satisfied a range of interests across the various parts of Special Branch, the Home Office and the Security Service. It is also clear from the recently disclosed transcripts of the closed hearings, that directions were being given to undercover officers directly by the Security Service.⁸
9. In terms of specific evidence relating to the Blair Peach campaign, HN307 Trevor Butler says he “*cannot really comment on*” whether campaigners “*were reported on*” as they sought to criticise the police.⁹ He denies instructing or encouraging an officer to report on the Blair Peach campaign.¹⁰ HN218 Barry Moss similarly denies any such instruction.¹¹
10. HN244 Angus McIntosh insists that those who campaigned in relation to the death of Blair Peach “*were not reported on because they were seeking to discredit and criticise the police*” but because “*they were people who were or would have been identified by the UCOs as being activist on the public order scene,*” albeit he could “*not remember what public order problems arose in connection with the death.*”¹² That insistence that the reporting on the campaign was motivated by concerns relating to public order is undermined by the fact that the campaign was not associated with disorder. Moreover, although HN244 Angus McIntosh offers a general denial of the interest in the campaign being anything other than public disorder, when it comes to explaining the reporting on the funeral of Blair Peach, he says that he would not have known to what use such information would have been put, but his understanding is that it was “*for the Security Service, and for vetting, and identification/tracing*”.¹³ It clearly had nothing to do with public disorder.
11. That there was specific tasking relating to the Blair Peach campaign has been confirmed by the evidence of HN21. In his closed evidence he indicates a recollection that “*one of*

⁶ MPS-0747446/57, para 147

⁷ MPS-0747797/28

⁸ MPS-0748063/8-9

⁹ MPS-0747658/21-22, para 79

¹⁰ MPS-0747658/26, para 95

¹¹ MPS-0747797/38, para 58

¹² MPS-0747578/34, paras 96 and 97

¹³ MPS-0747578/34, para 98

the management” asked him to attend Blair Peach’s funeral, and it “*could have been Geoff Craft* [HN34].”¹⁴ He considered that from his perspective the reason for attendance was public disorder, although he also observed it was “*highly unlikely*” that anything would happen at the funeral, and he never witnessed any public disorder arising from the campaign.¹⁵ As to why it was that the SDS wanted to report on the funeral, HN21 describes that “*part of the core business was to identify people, individuals who were connected to groups.*” In the instance of attending Blair Peach’s funeral, the motive “*was just that*” and he had not thought that there was any possibility of disorder.¹⁶

12. There remains a gaping hole in the evidence about the reasons why undercover officers were tasked to report on the Blair Peach campaign. That there still exists such a hole raises serious questions about the ongoing refusal of the Metropolitan Police to be open and honest about its actions. That there must have been such tasking is evident from such concerted interest over a period of decades.

13. That there is no direct, documentary evidence of such tasking should not be taken to be an indication that it did not take place. A number of the managers describe verbal requests for information from other parts of Special Branch and external agencies. Further, it is evident that there are missing documents. In this context, an apt observation was made by Mark Ellison QC in addressing claims by Mr Peter Francis of being tasked to find intelligence that might be used by the Metropolitan Police to smear the family of Stephen Lawrence. His report observed:¹⁷

There are very few documentary records capable of providing insight into the veracity of Mr Francis’ claim that he was “tasked to find intelligence that might be used by the MPS to smear the Lawrence family”. A number of possible explanations have been advanced as to why. These include the suggestion that incoming intelligence reports were routinely destroyed after SDS office analysis and intermittent ‘document review’. As with other MPS records, it does not appear that any clear records were ever kept of what was being destroyed. Accordingly, in our view little weight can be attached to the fact that no record can be found to confirm any relevant aspect of claimed SDS activity.

14. We respectfully invite the Chair to take the same approach: the absence of documents is no indication that a particular activity or tasking did not take place. Indeed, the absence of documents notwithstanding the obvious inference that such tasking must have taken place should cause the Chair great concern.

¹⁴ MPS-0748062/14

¹⁵ MPS-0748062/14-15

¹⁶ MPS-0748062/15

¹⁷ [The Stephen Lawrence Independent Review - Summary \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

The reporting on Celia Stubbs and the Blair Peach campaign

15. What the Inquiry does have is the strong inference that can be drawn from the fact of concerted interest in the Blair Peach campaign over such a prolonged period.
16. The disclosed evidence as to the reporting on Celia Stubbs and the Blair Peach campaign has been addressed at paragraphs 21 to 40 of the opening statement to Part 2 of this tranche. As described, it commenced in the 1970s, and continued at least into the 1990s. It followed not only her campaign in respect of the death of Blair Peach, but also her involvement in other justice campaigns, including in founding INQUEST and her involvement in the Hackney Community Defence Association and Colin Roach Centre.
17. Since the hearings for Part 2 of this tranche, Celia Stubbs has received documents disclosed by the Metropolitan Police in response to a Subject Access Request. They are Special Branch documents, and it appears likely that some of the disclosed documents recite information from undercover officers, although were not obtained or disclosed by this Inquiry. That should be of significant concern to this Inquiry and worthy of further investigation by the Inquiry team and the Chair. Indeed, one of the documents – a report of 10th April 1989 on a meeting of the ‘Blair Peach 10th Anniversary Committee’ – is stated to be from “*a secret and reliable source*” which indicates an undercover officer **[SARDOC1]**.¹⁸ That SDS reporting has been obtained via a Subject Access Request that has not been obtained by the Inquiry points, at the very least, to a lack of rigour in its evidence gathering.
18. Although heavily redacted, the reports give some further insight into the interests of Special Branch which, as has become increasingly clear to the Inquiry, were served generally by the SDS.¹⁹ They help answer the question as to *why* information was gathered on Celia Stubbs and the campaigns with which she was associated. They are appended to this opening statement.
19. 11th October 1974 appears to have been the first photograph and detail of Celia Stubbs, and this is likely when her registry file reference was created **[SARDOC2]**. Two Special Branch reports of 1978 noted details of Blair Peach’s car and relationship with Celia Stubbs

¹⁸ See, for example, paragraph 35 of the statement of Geoffrey Craft: MPS-0747446/16

¹⁹ See, for example, paragraph 27 of the statement of Geoffrey Craft: MPS-0747446/11; paragraph 146 of the statement of Trevor Butler where he refers to the ‘customers’ of the SDS: MPS0747658/41

[SARDOC3], and also an incident of Celia Stubbs, wearing an Anti-Nazi League lapel badge, being assaulted by two members of the National Front and suffering bruises and lacerations to her face [SARDOC4].

20. In the period preceding Blair Peach's death, the Inquiry has disclosed two undercover reports that refer to Celia Stubbs, both of which noted her to be attending meetings of the Hackney Community Relations Council and Inner East London District of the International Socialists in 1976.²⁰
21. The vast majority of reporting on Celia Stubbs followed the death of Blair Peach, and then continued for the next two decades.
22. A Special Branch report of 19th June 1979 is stated to concern those persons, known to Special Branch, who had "*written statements to Police concerning the death of Blair Peach...*" [SARDOC5]. An Appendix to the document is described as a list of all persons who had made statements to the police, together with "*a brief resumé of information concerning the individuals, recorded in this Branch.*" It is a collation of the key information held by Special Branch on all individuals giving evidence in respect of Blair Peach's death. The document does not spell out *why* Special Branch was collating and reporting information it held on all individuals who had given statements to the police. It is difficult to see any motivation other than that it was looking for opportunities to discredit accounts given of police brutality which resulted in Blair Peach's death.
23. As observed in the opening statement for Part 2, some months later, in April 1980, another Special Branch memorandum records a meeting with the Deputy Assistant Commissioner of operations of the Metropolitan Police "*regarding the Friends of Blair Peach Committee*" and consideration being given to applying for a High Court injunction "*to prohibit the further publication of the names of [Special Patrol Group] officers allegedly involved in Peach's murder.*"²¹
24. These documents show that intelligence was used, not for responding to public disorder, but for responding to the campaign.
25. In a similar vein, a Special Branch report of 19th February 1981 reports on a meeting of a number of individuals to discuss statements to be made in connection with the death of Blair Peach and addressing police brutality [SARDOC6].

²⁰ UCPI10769 and UCPI10779

²¹ MPS-0733406/1

26. Much of the Special Branch reporting reveals the prejudices and the disdain that the Metropolitan Police held towards those seeking to hold police to account for their conduct. An undated report describes Celia Stubbs first coming to notice in 1976 but that *“Following the death of Blair Peach she became a useful propaganda tool for the left-wing publicity machine. Since 1980 she does not appear to have been involved in any public order incidents. She would appear to be a member of the pressure group ‘INQUEST’ purely because of her association with Peach”* [SARDOC7]. Celia Stubbs’ partner had been killed by a police officer and the circumstances of the death were known to the Metropolitan Police but concealed until the Cass Report was published in April 2010. Though she never did achieve justice for Blair Peach, her campaigning was valiant and dignified. To Special Branch, however, she was a mere *“propaganda tool”* for the *“left wing publicity machine.”* It reveals the utterly misplaced disdain for justice campaigns that drove this policing. It was this institutional mentality/mindset which left the SDS, and Special Branch more broadly, willing to engage in the gross invasions of privacy that it was committing to obtain information that had no legitimate purpose.

27. A similar tone is evident in a detailed Special Branch report of 1st February 1982 of a 12-person meeting of INQUEST [SARDOC8]. The author of the report observes:

There seems to be little doubt that Inquest has sprung out of CELIA STUBBS’ desire to keep the Blair PEACH affair in the public gaze. She realises that interest has waned and has hit upon the idea of reviving it by linking up with other notorious cases of recent years. Most of the others involved are merely looking for a cause to adhere to. Without STUBBS the group simply would not exist. However, they are articulate and committed types and it does not seem beyond the bounds of possibility that they could eventually achieve the quasi respectable status of groups such as NCCL [National Council for Civil Liberties, now Liberty].

28. The Special Branch narrative is disturbing. It is important to note, as background, the consistent role that the NCCL had played in promoting better policing and the close attention given to it by Special Branch from its inception. In relation to Southall itself, the NCCL had contributed to the Unofficial Committee of Enquiry that investigated the events and subsequently published two reports, one of which focussed directly on Blair Peach’s death. The Commissioner at the time, David McNee, was invited to co-operate but refused this invitation and a public inquiry never took place. To Special Branch, persons victimised by police who went on to campaign in an effort to hold police to account were to be regarded as subversive. This is evident in the Annual Report for 1979 which disparages

those embarking on campaigns around the events in Southall.²² The portrayal of the campaigning of Celia Stubbs as opportunistic is disturbing and it provides valuable insight into the reasons why undercover officers were tasked to report on her. That report was written 40 years ago and, today, INQUEST, the organisation that Celia Stubbs helped to found, helps hundreds of bereaved families seek justice for their loved ones who have lost their lives in police and prison custody, immigration detention, mental health settings, and involving multi-agency failings.²³

29. Notwithstanding that INQUEST simply assists families through the legal process of an inquest, and is not and never has been remotely subversive, it was the subject of frequent Special Branch reporting, including reporting from SDS officers.²⁴ One apparent 'front sheet' has the basic details of INQUEST under the heading "Police Accountability Groups" **[SARDOC9]**. It appears, then, that Special Branch had (perhaps still has) a file with its collated intelligence from overt and covert sources on "police accountability" groups.
30. Celia Stubbs believes this brings into focus an especially important point for the Chair to assess and to include in his final report. It should be made known publicly through this Inquiry that during the time which this tranche is concerned, the police collated intelligence on 'police accountability groups' such as INQUEST, in an apparently determined and co-ordinated fashion. It was not because such groups posed a threat to security, but because they sought properly to call police to account and achieve legal redress for wrongdoing. The surveillance on Celia Stubbs and Inquest was a brazen abuse of the power and trust that were given at that time - and are still given today – in carrying out surveillance. That trust was cynically exploited and police misused the surveillance powers and privileges they were given, in an attempt to insulate themselves from criticism and legal sanction and discredit those legitimately seeking to uncover their wrongdoing.
31. The same document goes on to dismiss INQUEST as being formed in May 1981 *"at the height of an orchestrated campaign which sought to infer that all deaths in police or prison custody should be seen as evidence of malpractice"* and with a management committee comprised of those who are *"Trotskyist sympathisers at least"*.
32. This Inquiry's terms of reference challenge it to determine what were the motives of undercover policing. It is apparent that in very substantial part the SDS served the broader

²² For example, Special Branch Annual Report 1979: MPS0727595/114

²³ <https://www.inquest.org.uk/about-us>

²⁴ See the reports of 22nd January 1982, 23rd February 1982, 8th March 1982, 15th November 1983, 21st December 1989, MPS-742216

interests of Special Branch and other agencies such as the Security Service. Without disclosure and enquiry into those matters, the ability of the Inquiry to shine a light on the motives of undercover policing are, in truth, limited.

33. However, the following key points emerge as to the use to which information gathered on Celia Stubbs and the campaigns with which she has been associated was put:

- (a) There is no evidence that it was used in any meaningful way to address concerns of public disorder. In fact, there was no indication that such concerns even existed – other than on the perverse and self-serving basis that anyone who seeks to hold police to account for their wrongdoing and insist they act in accordance with the law, must necessarily be a threat to public order.
- (b) It appears that SDS information was used in April 1980 to assist the Deputy Assistant Commissioner of operations of the MPS in considering seeking an injunction to prohibit the Blair Peach campaign publishing the names of the officers suspected of having been involved in his killing.²⁵
- (c) Special Branch information was collated on all individuals who provided a statement in respect of the killing of Blair Peach.
- (d) Information on justice campaigns appears to be placed in the Special Branch file reserved for ‘police accountability’ groups.

34. Thus, where there is evidence as to how information was put to use, it is all concerned with responding to campaigns for justice.

35. What conclusion should the Chair draw from these matters? The inexorable conclusion is that the motive for covert policing of Celia Stubbs and the groups with which she was associated was not public disorder; it was assisting the Metropolitan Police in responding to and staying a step ahead of campaigns that sought to require the police to account for their actions in public and to achieve justice. These campaigns used lawful methods and posed no risk of public disorder.

Missing documents and closed hearings

36. Paragraphs 44 to 51 of Celia Stubbs’ opening statement to Part 2 addressed the fact that SDS reports were prepared as a matter of course before and after large demonstrations and are available for events such as the 56-page report for the ‘Battle of Lewisham’. However, for Red Lion Square and for Southall, nothing has been produced. That is, for

²⁵ MPS-0733406/1

those events which saw the deaths of Kevin Gately and Blair Peach, the reports have gone missing. David Smith confirms in his statement that reports were routinely compiled after any large event such as a demonstration and compiled at Inspector or Chief Inspector Level.²⁶ They must have existed and the transcripts of the closed hearings make it clear that one undercover officer, HN41, reported extensively on the events preceding Southall and what occurred on the day itself.²⁷

37. Celia Stubbs notes the steps taken by the Inquiry to locate the missing documents as described in CTI's second addendum disclosure note but is disappointed that the Inquiry has not been willing to search what is described as the "*significant number*" of non-Special Branch files available to review. The second additional disclosure note describes the steps it has taken to identify relevant material as being "proportionate". These reports are crucial to understanding, as per the Inquiry's terms of reference, the "*contribution made by undercover policing towards the prevention and detection of crime*", and also the "*effect upon individuals ... and the public in general*" of undercover police operations. The relevance goes not only to the role played by the SDS in advance planning for large scale protests, but also whether the SDS was subsequently complicit in concealing information and police misconduct. As is clear from the evidence to date, there was a revolving door of information between the SDS, Special Branch, uniformed policing (A8) and outside agencies such as the Security Services. The use of the term 'proportionate' in this context should not distract or deflect from the Inquiry's duty to mount a thorough and effective investigation into all of the uses made of the reports generated by undercover policing.
38. Of significant interest is that HN41 in his closed evidence described that SDS managers did not want undercover officers to attend the rally at Southall, as it was known that uniformed officers were planning to "*clamp down on the demonstrations*" and dangers were "*more than normal*".²⁸ That increased danger would have been faced by members of the public and undercover officers alike, and that was evidently a concern for the SDS. HN41 also described the "*disastrous mistake*" in public order planning of closing down part of Southall.²⁹ That offers a glimpse into the information likely within the report that may have been profoundly important in exposing the approach of the police to the rally, and the violence which resulted in the death of Blair Peach. It reinforces the belief of Celia Stubbs that the reasonable inference from such reports going missing is that they were considered

²⁶ MPS-0747443/10, para 19

²⁷ MPS-0748063/4-7

²⁸ MPS-0748063/6

²⁹ MPS-0748063/4

damaging to the police and have been deliberately destroyed. Further, it is evident from HN41's account of being "*smuggled in*" to Scotland Yard to give a statement as the "*Murder Squad*" had heard of his presence at Southall,³⁰ that the officers investigating Blair Peach's death were well aware of the SDS presence and likely knowledge of events, but that knowledge was never revealed in the inquest.

39. It is extremely concerning that this evidence was dealt with in closed hearings and is now only disclosed in redacted form, not least because it is the only direct evidence from undercover police officers in relation to the events at Southall and the subsequent investigation into Blair Peach's death. It provides confirmation that there was advance intelligence from the SDS, liaison with undercover officers present at the demonstration and liaison between the SDS and other departments after the event in relation to the investigation into Blair Peach's death. This evidence raises many more questions which have not been put to the witness and underscores the concerns raised by Celia Stubbs and other core participants about the extent of their ability to participate effectively in the Inquiry. This evidence must be revisited by the Chair.
40. This Inquiry is not, of course, the first instance in which the reports were required to be disclosed but have not been. Reports of the type referred to by undercover officers and SDS managers to this Inquiry would have fallen to be disclosed in the coronial inquests into the deaths of Kevin Gately and Blair Peach, and also to Lord Scarman's public inquiry into the events of Red Lion Square. The requirement for disclosure may have placed the Metropolitan Police in a dilemma as it wished to keep the existence and role of the SDS concealed. The Metropolitan Police had no authority to respond to such dilemmas by withholding obviously relevant and potentially crucial documents. Of course, there were similar failures to disclose undercover reporting to the Macpherson Inquiry.
41. There appears, ultimately, to have been two sides to the deployment of undercover officers as a means of managing reputational damage to the Metropolitan Police. First, there was reporting on the activities of groups which sought to hold officers to account for their actions for the purpose of being able to effectively pre-empt or respond to them. Second, there was the destruction or withholding of evidence, undercover officer and SDS reports, that would have been reputationally damaging and of assistance to those groups in their campaigns.

³⁰ MPS-0748063/7

Conclusion

42. Nearing the conclusion of the evidence to this tranche of the Inquiry, it is clear that there was never any justification for the covert policing in respect of Celia Stubbs and the Blair Peach campaign. That is no revelation as it is known that Celia Stubbs is and always has been a law-abiding citizen whose life was turned upside down by the conduct of officers serving with the Metropolitan Police who took the life of her partner as he campaigned, peacefully, against racism.
43. A more fundamental question is *why* the Metropolitan Police pursued these activities. As in the Inquiry's terms of reference, to "*examine the motivation for ... undercover police operations in practice.*"
44. The answer is that the motivation in respect of the covert policing of Celia Stubbs was to enhance the ability of the Metropolitan Police to respond to the Blair Peach campaign and resist its legitimate demands that officers be held to account for their actions. That conclusion will only become clearer as the Inquiry moves to its next tranche, and it becomes apparent that the reporting on Celia Stubbs was only the first of very many instances of covert policing of peaceful justice campaigns.
45. Celia Stubbs hopes that the Inquiry will understand how traumatic it has been for her to discover the extent and nature of the undercover reporting on her over the years that she pursued this campaign. Her trauma is made worse by the steps taken by the Metropolitan Police to obstruct access to the relevant material even to this day. It is the task of this Inquiry to understand and highlight the extent of the harm caused by all of these aspects of undercover policing. It is therefore appropriate for the final words of this opening statement to be directly from Celia Stubbs:

Following the disclosure of the Cass report in 2010, I with other friends from the campaign felt that it had run its course. It was then I had legal advice that there was a case for the inquest to be re-opened now we had information that had been hidden from us at the original inquest in 1980. I declined this as I just could not face the publicity that this would engender. Since I have learnt about the surveillance the SDS and Special Branch have carried out on me stretching over nearly 30 years and how I have been held up as 'a propaganda tool', I have felt more distressed but also angry. To put it bluntly, police officers took my partner's life and then concealed the truth. The concluding job of this Inquiry is to uncover the truth.

Postscript

46. Celia Stubbs and her legal team would again like to thank the Chair for permitting access to the T1P3 hearing bundle to Dr Graham Smith, another core participant and a leading academic in police accountability, who has assisted in preparing this statement.

SAM JACOBS
Doughty Street Chambers
SIMON CREIGHTON
Bhatt Murphy Solicitors
25th April 2022