

UNDERCOVER POLICING INQUIRY

T1P4

[Redact]

BEFORE:

SIR JOHN MITTING

(CHAIRMAN)

COUNSEL TO THE INQUIRY

MR DAVID BARR QC

MS REBEKAH HUMMERSTONE

MR HARRY WARNER

SOLICITOR TO THE INQUIRY

MR PAUL BISHOP

SECRETARY TO THE INQUIRY

MS CECILIA FRENCH

MR PETER SKELTON QC and MS AMY MANNION and MS GEORGINA BLOWER
appeared on behalf of MPS-CL.

MR OLIVER SANDERS QC and MS CLAIRE PALMER and MR CHRIS BURROWS
appeared on behalf of MPS-DL.

PROCEEDINGS

DAY TWO

[Redact] (HN302) Sworn

- MR FERNANDES Thank you. Chairman.
- CHAIRMAN Ms Hummerstone.
- MS HUMMERSTONE Can you give your full name, please?
- A [Redact] [Gist: HN302].
- Q Thank you, [Redact] [Gist: HN302], I have in front of me a witness statement dated [Redact] 2019. Have you had an opportunity to read and review that witness statement?
- A I have.
- Q And can you confirm that it is true to the best of your knowledge and belief?
- A It is.
- Q Thank you. Now, I want to go on, please, to deal with your relationships with activists while you were under cover, including the sexual relationship that you deal with in your witness statement at paras.280 to 285. You say in your witness statement that you were given no guidance about personal relationships whilst you were under cover, but the limitations of common sense as a police officer applied to your behaviour whilst under cover. Is that right?
- A Correct, yes.
- Q You describe in your witness statement a sexual encounter with an individual you met at meetings [Redact], which you were attending in order to build your cover. Is that correct?
- A That's correct, yes.
- Q You say that a friendship developed between you and this individual. Over what sort of time period are we talking about the development of the friendship?
- A Well, I think it was quite lengthy, but unfortunately there are no records in my bundle that detail my deployment during this period. [Redact]. So, it was over this initial period. It may well have been six months or so.
- Q And how did your friendship develop? How did it, tell us how did it begin? Did you find yourself sitting next to her or how did it begin?

A Much as any relationship begins, frankly, yeah. You meet people in a social setting. You may or may not go and have a drink together or with others and these friendships develop.

Q And did you pick her out as somebody to associate with or was it simply chance?

A Oh it was simply chance.

Q And how did you develop the friendship? What did you do together? How did it become a friendship?

A Well, I wouldn't call it a friendship as such. I mean, it is just the interaction between two people, as would happen in, under any circumstances.

Q So, you met her at *[Redact]* meeting, did you?

A Yeah, I did, yes.

Q And what was the extent of your social interaction in the early part of that, of your interaction?

A Well, I can't recall exactly when I met her, but, for example, *[Redact]* *[Gist: describes event]* in a private house *[Redact]* and I went along. Probably half a dozen people at the most.

Then there were demonstrations. *[Redact]*

Q So, she was somebody you simply bumped into as and when----

A Yeah.

Q -- as you were attending meetings, going to demonstrations *[Redact]*

A Yes.

Q *[Redact]*

A Indeed, but I think it is true to say that, in any relationship, there has to be a certain frisson between you and that undoubtedly developed.

Q And did you also socialise with her? Did you go to the pub? Did you do things of that nature?

A Yeah.

Q And was that a regular occurrence?

A Fairly.

Q And did you go alone or with others or both?

A With others and alone.

Q Do you think she viewed you as a friend?

A I think so.

Q And you say in your witness statement that that undoubtedly bolstered your cover identity, that friendship with her. How did it do that?

A Well, I thought it did because I had anticipated that comment might be made or reference made back to not only the relationship I had developed with all of the people I had met [Redact], but also the fact that she could verify the liaison. She had a flat or a bedsit. I had been there and so it was okay. So, in that respect, I imagined that, as a natural process, that would be useful, but, as it turned out, nobody had the slightest interest in me.

Q Can you recall her name?

A I can't, no.

Q Was she an activist [Redact]?

A I would say that she was a peripheral activist because, having had the sexual encounter, I never saw her again anyway.

Q But, prior to the sexual encounter, she was somebody who you routinely encountered during the course of your undercover work?

A I wouldn't say routinely, but we met often enough.

Q You describe, or you overt to, an evening in the pub which led to the sexual encounter. Who was present in the pub, please, that evening?

A I can't remember and I can't tell you which pub it was either.

Q Were you alone together or was there a group?

A No, I think perhaps there was a group of people. I mean, again, this was the usual thing after a meeting or a demonstration or whatever. Activists generally ended up in pubs.

Q And presumably you had a drink in the pub?

A I did.

Q Can you recall how much you had to drink?

A Oh heavens, two or three pints perhaps.

Q And was she drinking also?

A Yeah.

Q And was she drinking at about the same rate, do you think? Would you describe each other, would you describe her as drunk or yourself as drunk?

A Oh no, no, no, no. I wouldn't think she had the capacity of a man, but I have known some individuals [Redact] who can out-drink me of the opposite sex.

Q You then invited her back to your bedsit. It was you that made that invitation, was it?

A Well, it probably was, but I don't think it was in isolation. I think it was sort of a joint agreement in a way, as people do. I don't think it was a question of, in isolation, "Would you like to come back?" I mean, I think it was "Shall we ..."

Q But a suggestion made by you, you think?

A Probably.

Q You say in your witness statement that the circumstances presented themselves to you and you did not say no. Would it not be fairer to say that you created those circumstances?

A No.

Q Why do you say that?

A Well, because I, apart from the fact that it was my bedsit, the whole episode really was a joint episode between the pair of us.

Q You went back to your bedsit and you had sex. Did you use contraception?

A I did.

Q Did she spend the night at your bedsit, can you remember?

A No.

Q And did you see her again?

A No.

Q Did she know that you were a police officer?

A No.

Q Do you think that she would have been prepared to have sex with you had she known that you were a serving undercover police officer?

A I suspect not.

Q At the time, did you consider that you were deceiving her?

A No.

Q Or betraying her trust in any way----

A No.

Q -- by holding yourself out as something that you were not?

A No, my whole life for the next *[Redact]* was a lie, so it made no difference then. You could equally say that about any of the friendships I developed.

Q Did you not think that there was some distinction here (because you had sexual intercourse) between an ordinary friendship and an association and somebody with whom you had sexual intercourse?

A No, not really. I was trying to live a parallel life and this was very early on in my deployment and yeah, you, with hindsight, I might have changed my behaviour, but I was trying to live a life and I made no distinction then between being a police officer or not. I wasn't a police officer. I was trying not to be a police officer.

Q Did it, did having sexual intercourse with *[Redact]* activist enhance your and assist you to live that lie and enhance your cover?

A I thought it might have done, but it didn't.

Q Did it cross your mind during this episode that you were in, that whatever lie you were trying to live, you were in fact a police officer on duty?

A No.

Q You say you did not tell your supervisors or your superiors. Why was that?

A Well, I didn't think it was necessary. I mean, I was living my life and it was, this was part and parcel of what I did all day long. I mean, I didn't tell them about other things.

Q How do you think that behaviour would have been viewed by them had they come to know about it?

A I'm not so sure they would have passed comment, frankly, because we are dealing with this now with hindsight. Had I mentioned it at the time, I might have been given advice that perhaps should have been given before, but I don't know.

Q Is it your sense that it would have been tolerated or excused or?

A Well, we are getting into a very difficult area here because we are getting into the whole area of relationships and undercover officers which have been dealt with recently by the Association of Chief Police Officers and the Police Council, but I think, in the circumstances at the time, I would have been given advice that perhaps I had made a mistake.

Q Did you ever tell anybody else about it, anybody else from the, maybe your fellow officers in the SDS?

A Certainly not.

[Redact]

CHAIRMAN Forgive me for a moment if I interrupt. You have in mind a definition of "subversion", I think, and of "subversives".

A Yes, Sir.

Q Could you spell it out for me?

A Well, I think it is the overthrow, the destabilisation or indeed the destruction of, I suppose, our democracy in these circumstances.

Q As an intention or as a possible outcome of which they were capable, or both?

A I think both, Sir.

Q You are aware, I suspect, of the definition of "subversion" that was then adopted by the Security Service and later announced in Parliament?

A Well, yes and no, Sir, yes.

Q Intending to overthrow parliamentary democracy and not just intending but having some capacity to do so.

A Yes.

Q Your understanding contained both elements?

A Yes.

Q Can you tell me which of the extremist groups that you kept an eye on fell into that category?

A I think all of them intended, that their very being was directed in, in the short or long-term to establishing what they considered should be their form of democracy.

Q That deals with intention. Capacity is the second limb.

A Given the opportunity and the leadership and the right catalyst, the social circumstances perhaps at the time, I believe there was a possibility that that outcome might have taken place or attempt.

Q Might have been attempted?

A Yes.

CHAIRMAN Thank you.

[Redact]

MS HUMMERSTONE Thank you. Sir, I notice the time. Is that a convenient moment?

CHAIRMAN Certainly, we normally have a quarter of an hour break in the middle of each session.

WITNESS Yes, Sir.

CHAIRMAN And you can take advantage of it as much as everybody else.

WITNESS Thank you.

CHAIRMAN We will resume shortly before half past.

(Short break)

MR FERNANDES Welcome back everyone. I will now hand over to the Chairman to continue the proceedings. Mr Chairman.

CHAIRMAN Ms Hummerstone.

[Redact]

A I was a singular individual within the group, but you tended, well I tended really to keep yourself to yourself. The need to know is a hackneyed phrase, but I think in a small group of people who are so close together, need to know is very important. I mean, for example, I had a clue about the deployment of some of the other officers, but that was about it. I didn't, I largely, the only cover name I knew was [Redact].

A [Redact] when I was deployed, [Redact] [Gist: we had weekly meetings at the safe house].

Q Yes.

A And that was an obligatory attendance unless you had a really good excuse. [Redact].

Q Can I deal now finally with this? You have said in your witness statement and you have reiterated it today that you had these [Redact] [Gist: weekly] meetings at the safehouse with your managers and the other UCOs, a three-line whip to get there unless you had a very particular reason not to go. Those meetings serve both an administrative and a social purpose, is that right?

A Yes.

Q Was it, apart from the administrative side of things, an opportunity to relax and unwind with people going through very similar sorts of experiences as you? Is that how you saw it?

A It was the only opportunity not only to relax with these colleagues, but it was the only opportunity period. There were no other opportunities. [Redact] this group of officers cut themselves off, apart from their families, from any of the colleagues they might have affiliated with, from normal socialising with friends and it was a pretty isolated existence.

Q Does it follow that you formed quite a tight group given that there was a small number and this was, as you had described, your very limited opportunities to relax at all?

A Yes, in many ways it was a tight group, but, equally, there were 12 different characters doing 12 different jobs and, yeah, we were tight in a sense, but I would also say that it was a disparate group as well at the same time. It was very complex. The relationship between each officer individually and as a whole was extremely complex.

Q Was there anyone with whom you formed any particular friendships in that group that you can remember?

[Redact]

Q The atmosphere at the safe house, once you had performed your administrative tasks of copying up your reports and matters of that nature, did you sit around together laughing and joking, that sort of thing? Was it sort of----

A Well, it rather depended. Lots of the officers had to disappear because they had commitments either to visit their cover flats or to go home to their families before they went to meetings. Yes, sometimes we sat around. We had a beer.

Q Yes.

A Occasionally we would have a meal. Not everybody stayed. They were all welcome, but not everybody stayed.

[Redact]

Q And I appreciate you say you did not talk about your deployment in any particular detail -- you say it was need to know -- but were any aspects of the time spent under cover chatted about amongst you whilst you sat around?

A Oh yeah, I mean, yeah. If we had all been to a big demonstration, we would boast about the number of people we had identified to each other, a bit of one-upmanship, that sort of thing, but no, I think it was just a, a group of people thrown together in an office by direction and, if you, if you stayed around, yes, sure you had a chat about all sorts of things.

Q Anecdotes about things they had seen and heard, things like that?

A Yes, possibly.

Q And the people they had met along the way?

A Yes, possibly.

Q And generally sort of light hearted or what was the sort of mood there?

A Well, it depended on what had happened. Sometimes it was deadly seriously, but, yeah, generally it was an opportunity to, to let your hair down-ish.

Q Were managers present during the time that you spent at the safe house? Did they tend to stick around?

A Not all of the time. Once the business had been done and any social interaction had occurred, I mean, they had to get back to Scotland Yard----

Q Yes.

A -- from wherever the flat was. The *[Redact]* flat was difficult in traffic, so, if they had to get back for a particular time, sometimes they didn't stay particularly for any length of time, but the *[Redact]* venues were a little more, a little more accessible.

Q Hmm mm.

A Some would go on their own. Some would stay a little longer.

Q Yes.

A No particular pattern.

[Redact]

MS HUMMERSTONE *[Redact]* *[Gist: HN302]*, thank you very much. Those are all the questions that I have for you.

A Thank you.

CHAIRMAN Mr Sanders

MR SANDERS Thank you, Sir. Just briefly if I may and it is just picking up on the exchange you had with the Chairman before the break. You were talking about subversion and the difference between subversive intentions, so what the aims or objectives might have been, and then subversive capacity for the ability to achieve those aims or intentions. I just wanted to ask you how could Special Branch and MI5 come to a view about an assessment of a group's intentions?

A Only through intelligence, gathered by mechanical means or human means, i.e., undercover officers or agents or by other means, other technical means.

Q And the same presumably applies for knowing about and assessing capacity?

A Yes.

Q And, I mean, does it follow from that that intelligence will be gathered on not only subversive groups but groups on the borderline and groups that might turn out not to be subversive?

A Oh absolutely, because I know there is, there is a group called the Mosaic Group -- I have heard of them -- but it is a mosaic and, when you pick up a snippet of information of itself it may be meaningless and, as you say, it may in the end turn out to be non-consequential, but it is only by gathering and collating a wide range of material that you can

form an overall picture and at some stage you are able to say "Yeah, we think these are subversives". Equally, you are able to say "Well, we don't think they are".

Q And if you carry out that exercise and, say, in *[Redact]*, you come to the view that this particular group is not subversive, does it follow that it will not be subversive *[Redact]* *[Gist: later]*?

A No, it doesn't follow.

Q And how would you know come *[Redact]* what its position is then?

A By continuing to monitor it, albeit on the periphery because we, as you know, were not only monitoring groups for subversive purposes, but we were monitoring them for public order purposes and there are groups who wish to demonstrate a cause who are non-subversive and many of them engage with police. Some don't. So, unless there is coverage of some degree, then the Police Service is at a disadvantage.

Q And would it be possible to have, say, three groups, Groups A, B and C, and each of them does not have the capacity to subvert democracy, but joined together they might do?

A Yeah. I mean, I think, if you go back to the (inaudible) demonstrations, you could argue that was the beginnings of an insurrection that was a spill-over from Europe. That, the Ad Hoc Committee which organised that was made up of many different groups coming together. So, you are quite right, on their own they may have the intent but not the capacity; collectively, certainly I would say they could.

Q And, in order to assess the capacity of the whole, does it follow that you need intelligence on the parts?

A Absolutely right.

MR SANDERS Thank you. Thank you, Sir.

[Redact]

CHAIRMAN Thank you for assisting me in the evidence you have given this morning. That is now the end of your part in this Inquiry, I sincerely hope.

WITNESS Thank you, Sir.

CHAIRMAN We will resume and can we resume, please, at some time between two and five past, but have your hour's lunch.

(Short Adjournment)