

Tuesday, 21 February 2023

Closing statement by MR MORLEY

THE CHAIRMAN: Mr Morley.

MR MORLEY: Thank you, Chair.

Sir, the National Police Chiefs' Council has had a limited role in T1, and these closing oral submissions will be brief and to the point. I will address two themes: the NPCC's ongoing role in the Inquiry, and the NPCC's view on the Inquiry's consideration of the applicable legal framework relating to undercover policing.

So the first topic, the NPCC's ongoing role. As you know, the NPCC is a coordination body and its primary purpose is to enable independent chief constables and their forces to work together to deliver an effective police service and to improve policing for the public. The NPCC co-ordinates the operational response across the wider police service to some of the country's most serious threats, including terrorism, organised crime and national emergencies. Together with the College of Policy, it seeks to improve standards and training and promote public confidence in the police service.

The NPCC does not act for any individual officer or former officer in this Inquiry, whether they be SDS or NPOIU officers, but self-evidently, the individual acts

1 of officers, or the behaviour of particular police
2 units, reflects on the wider police service.

3 The NPCC is particularly concerned to preserve the
4 utility of undercover policing and its associated
5 tactics and techniques, because of course it is a vital
6 tool in the fight against criminality in all its forms.
7 But preserving the utility of undercover policing does
8 not mean simply preserving the status quo, still less
9 the practices from 15 years ago and the NPCC wishes to
10 reaffirm its commitment, both to this Inquiry and to
11 learning the lessons that will inevitably emerge from
12 the Inquiry's findings.

13 Sir Christopher noted in his opening remarks back in
14 July 2015 that an important part of the Inquiry's
15 function is to make recommendations as to the future
16 deployment of undercover police officers and the public
17 needs to be assured that whenever undercover policing is
18 conducted, it takes place under satisfactory statutory
19 and professional conditions. It is in the public
20 interest that any recommendations the Inquiry has to
21 make should not be unduly delayed and it is essential
22 that where any changes do need to be made, these are
23 identified and implemented as quickly as possible so
24 that the tactic of undercover policing can continue to
25 be used safely and effectively where appropriate in

1 the public interest and without causing harm.

2 Sir, the NPCC is keen to ensure that any mistakes
3 which may have been made in the past do not continue
4 into the present or the future. The police service as
5 a whole stands ready to learn from this Inquiry's
6 findings, improve the service it provides to the public
7 and ensure undercover policing is used ethically,
8 appropriately and effectively.

9 Sir, turning then to the second theme, please, the
10 Inquiry's consideration of the applicable legal
11 framework.

12 So far as the legal framework is concerned, the NPCC
13 makes two points in its written submissions. Firstly,
14 section 2 of the Inquiries Act specifically provides
15 that an inquiry may not rule upon or determine civil or
16 criminal liability. Mr Skelton KC and Mr Sanders KC
17 both made this point yesterday and the NPCC takes the
18 same view. While it is perfectly permissible for the
19 Inquiry to identify and comment upon the legal framework
20 for undercover policing as it existed at the relevant
21 time, in our respectful submission, it would not be
22 permissible to go a step further and making findings or
23 rulings that any particular activity was unlawful.
24 A public inquiry is simply not designed to reach
25 findings akin to those that may be made at

1 the conclusion of civil and criminal trials.
2 The proceedings are inquisitorial, not adversarial.
3 There were no statements of case, there's no
4 cross-examination, Core Participants do not have a free
5 hand in advancing a case or calling witnesses, common
6 law defences such as consent or public interest are
7 generally fact-specific and not explored, and you, Sir,
8 of course determine what evidence will or will not be
9 called. Accordingly, not only does section 2 provide
10 that a public inquiry must not rule on civil or criminal
11 liability, because of these limitations a public inquiry
12 is not well placed to determine civil or criminal
13 liability, and in our respectful submission, it
14 shouldn't.

15 And the second point so far as the legal framework
16 is concerned relates to the terms of reference.
17 The Inquiry's terms of reference are clear in requiring
18 the Chair to identify and assess the adequacy of the
19 justification, authorisation, operational governance and
20 oversight of undercover policing and to identify and
21 assess the adequacy of the statutory policy and judicial
22 regulation of undercover policing. There's no mention
23 of assessing or determining lawfulness in the terms of
24 reference, which, given the wording of section 2, seems
25 likely to have been a deliberate decision. The terms of

1 reference simply do not require the Inquiry to determine
2 lawfulness or legality, and whilst the Inquiry is
3 permitted to consider the legal framework in place at
4 the time of the relevant events and identify and assess
5 its adequacy, it must refrain from determining civil or
6 criminal liabilities, because the lawfulness of
7 undercover policing simply falls outwith the terms of
8 reference.

9 Sir, I conclude by reiterating that undercover
10 policing remains a valuable tool in the armoury of law
11 enforcement, and it continues to be used effectively
12 across the country to prevent and detect crime, and to
13 protect the public. Policing has already changed
14 enormously since the SDS operations of the 1970s, and it
15 will continue to evolve and improve. The NPCC stands
16 ready not only to assist this Inquiry to the best of its
17 ability, but also to listen and to learn from
18 the Inquiry's findings with a view to promoting good
19 practice in undercover policing and ensure improvements
20 in policing continue to be made.

21 Sir, those are my submissions.

22 THE CHAIRMAN: Thank you very much, and as you rightly
23 observe, you've come well within the time allowed to
24 you. I'm grateful to you. Thank you.

25 MR MORLEY: Thank you, Sir.

1 THE CHAIRMAN: We will now adjourn until 10.25 when we will
2 hear from Mr Sheldon KC. Thank you.

3 (10.07 am)

4 (A short break)

5 (10.25 am)

6 Closing statement by MR SHELDON

7 THE CHAIRMAN: Mr Sheldon.

8 MR SHELDON: Thank you, Sir.

9 Sir, thank you very much for allowing us to make
10 these brief oral closing submissions on behalf of
11 the Secretary of State for the Home Department in her
12 capacity as a Core Participant in your Inquiry.

13 As you will have seen, we will not be detaining you
14 very long this morning, which reflects the relatively
15 limited direct involvement of the Home Office in your
16 Tranche 1 investigation.

17 However, we are conscious of the fact that the
18 decision to address Modules 2B and 2C on paper, along
19 with the absence of Home Office witnesses in the other
20 Tranche 1 modules, has meant that the opportunities for
21 us at least to make oral submissions in the course of
22 your public sessions have been limited, and there are
23 a number of matters that the Home Secretary wishes to
24 place on the public record at this stage in the
25 proceedings so as to ensure there is a clear

1 understanding of the Home Office's position in respect
2 of both undercover policing in general and the Tranche 1
3 evidence in particular.

4 As to the former, undercover policing plays a vital
5 role in tackling serious crime and keeping the public
6 safe. However, the Home Secretary recognises the
7 significant concerns about the way in which undercover
8 policing has operated in the past, and it is of course
9 for that reason that this Inquiry was established in
10 2015.

11 Having established the Inquiry, the Home Secretary
12 is engaging fully with its investigation in order for it
13 to get to the truth of those events and to ensure that
14 lessons are learned for the future. And as you are
15 aware, Sir, the Department has undertaken an extensive,
16 large scale and voluntary disclosure exercise, as well
17 as responding to your Inquiry's specific requests for
18 information.

19 At the outset of the Inquiry's evidential hearings
20 in October 2020, the then Home Secretary provided
21 a detailed opening statement which addressed the genesis
22 of the Inquiry, the role of the Home Secretary and the
23 Home Office within it, and the constitutional and
24 regulatory framework relating to the Home Office and
25 policing in general and undercover policing specifically

1 since 1968, and of course the relationship between the
2 Home Office and the SDS.

3 The regulatory framework relevant to undercover
4 policing has developed considerably since the Tranche 1
5 period, as of course has been the case in respect of
6 policing more generally, and the Home Secretary wishes,
7 if you will allow me to do so, to reiterate the points
8 made at paragraphs 25 to 27 of her predecessor's
9 October 2020 opening statement.

10 Sir, if you'll bear with me, I will just take
11 a moment to repeat the contents of those paragraphs, as
12 it is important, in the Home Secretary's view, that
13 the public is aware of and has confidence in the current
14 regulatory framework and understands that undercover
15 policing is operated and managed very differently now to
16 the way in which your Tranche 1 investigation has found
17 it to have been operated and managed 40 or 50 years ago.

18 Prior to the enactment of the
19 Regulation of Investigatory Powers Act 2000, known in
20 the trade as "RIPA", in October 2000, the use of
21 undercover agents was not governed by statute but was
22 underpinned by non-statutory guidance and codes of
23 conduct and subject to rules established by case law and
24 other statements of principle. These included
25 Home Office Circular 97 of 1969, entitled "Informants

1 Who Take Part In Crime" and the ACPO terms of reference
2 for Special Branch dated 8 April 1970. These were
3 replaced in December 1984 with the Home Office
4 Guidelines on the work of a Special Branch, which were
5 then updated in November 1994, and of course those 1984
6 Guidelines are dealt with detail in
7 Counsel to the Inquiry's opening statement for the
8 purposes of Modules 2B and 2C.

9 Now, arrangements for undercover deployment are very
10 different today to those prior to 2000.

11 The introduction of the Human Rights Act, RIPA and
12 the Act of 2016 have fundamentally changed the legal
13 context in which covert policing takes place.

14 The present position is that all undercover deployments
15 must be authorised as both necessary and proportionate
16 to the issue being investigated. Since January 2014,
17 all police deployments of undercover officers must be
18 authorised by an assistant chief constable and notified
19 to the Investigatory Powers Commissioner, formerly the
20 Office of Surveillance Commissioners. In addition,
21 chief constables must authorise deployments which last
22 longer than 12 months and seek prior approval for such
23 deployments from the Investigatory Powers Commission.
24 The level of authority for emergency -- that is very
25 short term -- authorisations has been raised from

1 Inspector to Superintendent level or equivalent.

2 More recently, the Covert Human Intelligence Sources
3 (Criminal Conduct) Act of 2021 has introduced amendments
4 to RIPA, providing a statutory regime for
5 the authorisation of criminal conduct by Covert Human
6 Intelligence Sources, including undercover police
7 officers, for specified purposes, where necessary and
8 proportionate, and subject to robust safeguards.

9 The Covert Human Intelligence Source Draft Revised Code
10 of Practice was laid before Parliament in October last
11 year, demonstrating that the regulatory framework
12 continues to develop.

13 So in summary, Sir, the statutory framework and
14 regulatory context is unrecognisable today from that
15 which pertained during the Tranche 1 period and the last
16 four decades have seen enormous improvements in this
17 regard.

18 Now, we point this out not to diminish or mitigate
19 any of the issues of concern identified during the 1968
20 to 1983 period, and we recognise, of course, that
21 the current arrangements relating to undercover policing
22 will be scrutinised by you at a later stage of this
23 Inquiry. But we do so because it is important, in the
24 Home Secretary's view, that all those concerned with the
25 business of this Inquiry continue to understand that the

1 conduct which led to the establishment of your
2 investigation would not be permitted to take place
3 today.

4 Sir, having made those general remarks in relation
5 to undercover policing, can I turn to Tranche 1 and
6 Modules 2B and 2C in particular. The Home Secretary has
7 followed the evidence taken by the Inquiry in relation
8 to the conduct of SDS officers and managers between 1968
9 and 1982 with great care and has noted a number of
10 issues regarding the Home Office's role that have been
11 flagged by the Inquiry for further investigation. She
12 will of course endeavour to her fullest capability to
13 assist with those points as the Inquiry progresses.

14 Module 2C of Tranche 1 is the first of the Inquiry's
15 modules in respect of which the Inquiry has sought
16 witness statements from former Home Office officials.
17 Witness statements from five individuals were sought,
18 and four of those individuals duly provided lengthy
19 statements addressing detailed lists of questions posed
20 to them by the Inquiry. The fifth was unable to do so
21 for reasons of ill health, as you know.

22 In each case, the individual in question was asked
23 for and provided evidence relating to their own personal
24 involvement in, and recollection of, the matters of
25 interest to the Inquiry. They are all long retired and

1 did not speak on behalf of the Home Office now and nor,
2 of course, were they asked to do so. Inevitably, given
3 the period under investigation, all four individuals
4 struggled to greater or lesser extents with their
5 recollection of events that took place 40 or 50 years
6 ago, but they did their best to be as helpful as
7 possible assisted in some respects by the
8 contemporaneous documentation. As the Inquiry is aware,
9 all of the Home Office witnesses sought to provide
10 the Inquiry with the fullest possible answers to the
11 questions they were asked, and it is apparent from the
12 detailed summaries of the evidence helpfully produced by
13 Counsel to the Inquiry that they have been able to shed
14 at least some valuable light on the relevant events.

15 Sir, we note and we take no issue with your decision
16 to conduct this part of the Inquiry as a paper-based
17 exercise without witnesses being called to give oral
18 evidence, but of course if there is further evidence, or
19 any other further assistance you require in order to
20 conclude this phase of your investigation, the
21 Home Office is very anxious to provide it to you.

22 The detailed and forensic analysis of
23 Counsel to the Inquiry as set out in their opening
24 statement and supplemented in their closing submissions
25 has been considered with care by the Home Office. We do

1 not propose to comment on it here. It will be for you
2 to reach your own conclusions on the basis of the
3 contemporaneous material and, to the extent that they
4 assist in interpreting that material, the recollections
5 of the available witnesses. We would observe simply
6 that the conclusions of Counsel to the Inquiry as to the
7 lack of knowledge on behalf of the Home Office of the
8 inappropriate activities of certain SDS officers, as
9 summarised at paragraphs 87 and 88 of the opening
10 statement, accord with our analysis of the evidence and
11 we would respectfully endorse them.

12 We would also observe, having reviewed the closing
13 submissions of the other Core Participants, that none of
14 them have identified any evidence of any awareness on
15 the part of the Home Office, either as an institution,
16 or on the part of individual officials, of inappropriate
17 conduct of the type with which this Inquiry is primarily
18 concerned, including sexual relationships with
19 activists, the use of identities of deceased children,
20 or criminal activity on the part of SDS officers.

21 On a number of occasions, general terminology to the
22 effect that the Home Office was aware of, for example,
23 "the manner of work done by SDS officers" has been used
24 in some of the Core Participants' submissions. We would
25 respectfully observe that considerable care has to be

1 taken with general assertions of that nature. Awareness
2 of the existence of the SDS and its engagement in covert
3 undercover policing is one thing, awareness of
4 misconduct on the part of individual officers and
5 managers in the discharge of those functions is quite
6 another, and, as has been correctly identified, we
7 submit, by Counsel to the Inquiry, there is no evidence
8 of the latter on the part of the Home Office.

9 Sir, can I simply say this by way of conclusion.
10 The Home Secretary reiterates her cooperation with
11 the Inquiry and welcomes the efforts by you and your
12 team to conclude the Inquiry within a reasonable time.
13 She acknowledges the breadth and depth of evidence heard
14 and the work undertaken so far and awaits with keen
15 interest the findings of the Inquiry in Tranche 1 in
16 your interim report.

17 Sir, that concludes the submissions that the
18 Home Secretary wishes to make at this stage of the
19 Inquiry. Thank you very much.

20 THE CHAIRMAN: Thank you very much, Mr Sheldon. May
21 I reiterate what you said about the Home Office
22 witnesses and express, over the live link, my gratitude
23 to them for taking the time and trouble which they did
24 to produce the helpful statements which they did
25 produce.

1 MR SHELDON: We're very grateful for that, Sir, and I'll
2 make sure it's passed on to all of them.

3 THE CHAIRMAN: Thank you.

4 (10.39 am)

5 (A short break)

6 (10.50 am)

7 Closing statement by MS MURPHY

8 THE CHAIRMAN: Ms Murphy.

9 MS MURPHY: Good morning, Sir.

10 This closing statement is made on behalf of
11 the Category F Core Participants, the families.
12 The families are the bereaved relatives of loved ones
13 who died in childhood and whose legal identities were
14 appropriated by the Metropolitan Police. They are
15 Frank Bennett and Honor Robson, Faith Mason, the Lewis
16 family, Liisa and Mark Crossland, Emma Richardson,
17 the daughter of Barbara Shaw and a family who have asked
18 to be designated "the Restricted Family", to use that
19 designation. They are the bereaved relatives of a child
20 who died, and this family have been constrained to
21 participate in this Inquiry anonymously by reason of
22 a restriction order covering their own identities and
23 that of their dead relative, an order made necessary by
24 the Metropolitan Police's use of the identity of their
25 dead relative.

1 Common to the family are the precious memories they
2 guard of the children they have lost. The children's
3 legal identities were a fundamental aspect of their
4 short existences and will forever retain importance in
5 each family's memory of them. The Metropolitan Police's
6 use of the identities of the families' children spanned
7 a period of over 20 years, but the impact of the
8 Metropolitan Police's actions extend far beyond. As
9 there, the families' precious memories have become
10 forever inextricably bound to the activities of the SDS
11 and the officers it deployed, memories that, for the
12 families, have been tainted, tainted forever.

13 The officers' lawyers point out that none of
14 the relatives notified regarding use of their loved
15 ones' identities in the Tranche 1 period wish to
16 participate in your Inquiry and they point out that only
17 a quarter of those whom you have notified that they were
18 affected by the practice have indicated, to use
19 the officers' lawyer's word, disapproval. They continue
20 that they "would not wish to deny the hurt and distress
21 experienced to some families", and that particular theme
22 is picked up by the Commissioner of the
23 Metropolitan Police himself, who seeks to acknowledge
24 the shock and distress experienced by, again, some of
25 the families of the children whose identities were used.

1 Sir, the family make three points regarding this.
2 First, that those statements should bring home to you,
3 Sir, the importance of this Inquiry and of your
4 conclusions. Those are not statements made by an
5 organisation, or by individuals, who have grappled with
6 the impact of their actions. Without acknowledging
7 impact, lessons will not be learned. Without an
8 understanding of the reasons why learning is necessary,
9 change will not come.

10 In Tranche 1, you have considered the first 15 years
11 of one small unit within the Metropolitan Police, a unit
12 that was not ignorant of law, morality and ethics, it
13 deliberately disregarded those tenets. And you have
14 heard evidence of how its leaders facilitated, in fact
15 caused, a toxic culture to fester and to permeate SDS
16 operations, and it is long past time for the
17 Commissioner and his officers to cease defence, to cease
18 minimisation of the impact of their actions, and it is
19 beyond time for them to pivot towards change, permanent,
20 forever change. And you, Sir, will be mindful that in
21 communicating your opprobrium for what you have heard of
22 the behaviour of officers, senior officers at the time
23 and in several instances much more senior in the years
24 that followed, you will, the families hope, contribute
25 to meaningful, permanent, forever change, change to an

1 organisation that has demonstrably failed to seize that
2 opportunity for itself.

3 Secondly, the families we represent contribute to
4 this Inquiry in the hope of contributing to this
5 necessary change. They do so at significant personal
6 cost, as you have seen. Nothing is to be judged or
7 inferred from the fact that others have not proven able
8 or willing to make an equivalent sacrifice.

9 Thirdly, the impact upon the family has gone far
10 beyond disapproval and it has gone far beyond shock and
11 distress. The officers' lawyers or Commissioner are, or
12 should be, fully aware of the families' sense of
13 betrayal, of anguish, of the forever impact on their
14 lives, and those are experiences that overlay their
15 traumatic bereavements. In the case of the
16 Restricted Family, treatment that has been humiliating,
17 degrading and debasing, in violation of the rights
18 protected by Article 3, and you, Sir, have considered
19 a bundle of factual and expert evidence in that regard.

20 The families consider that the wrong that has been
21 done to them arose from heinous institutional failings
22 on the part of the Metropolitan Police and that the
23 responsibility lies with senior Metropolitan Police
24 officers who directed and/or condoned the wrong that was
25 done to them.

1 Sir, if I might make some short remarks in relation
2 to the legal context.

3 Our submission, in brief, is that of course your
4 judgmental conclusions should be by reference to the
5 legal framework applicable to the Metropolitan Police,
6 the framework applicable in 1829, when the
7 Metropolitan Police was formed, in 1833, a date to which
8 we will return, the Tranche 1 period and today.

9 A public inquiry is about public accountability, and in
10 the policing context, that inevitably means
11 accountability to the rule of law. Our more detailed
12 submissions as to the legal framework are set out in our
13 written submissions, but we emphasise four points.

14 First, the British unwritten constitution has long
15 required the police to subjugate their activities to
16 the rule of law, to engage in only those activities that
17 would secure and maintain public respect, so that, in
18 the words of Lord Denning, from 1968, "honest citizens
19 may go about their affairs in peace".

20 Secondly, we return to 1833, and we are grateful to
21 the Designated Lawyers' Group for alerting us to
22 a Select Committee report of the House of Commons into
23 an investigation convened in 1833 to consider the
24 infiltration by a police inspector into the activities
25 of the Camberwell and Walworth branches of the National

1 Political Union of the Working Classes, an investigation
2 resolved rather more quickly than a modern public
3 inquiry. Members of the Union had raised strenuous
4 objection to being compelled to "pay for the maintenance
5 of spies" and a pretence of their being persons employed
6 for the preservation of the peace. The committee
7 concluded that the inspector had in fact taken an active
8 personal role in the proceedings of the Union when, to
9 quote from the Committee "his duty only required him to
10 observe" and the Committee criticised the inspector for
11 having "carried concealment and deceit into the
12 intercourse of private life".

13 The officers' lawyers rely on what they describe as
14 the committee's approval of the use of undercover
15 policing, including the methods of the SDS. But what
16 the committee in fact emphasised was that the occasional
17 employment of police officers in plain clothes to detect
18 breaches of the law and to prevent breaches of the peace
19 might be acceptable if those objectives were otherwise
20 unattainable. But they also said this, that they
21 "strongly urge[d] the most cautious maintenance of those
22 limits and solemnly deprecated any approach to the
23 employment of spies in the ordinary acceptance of the
24 term as a practice most abhorrent to the feelings of the
25 people and most alien to the spirit of

1 the constitution". So it was in 1833, so it was in
2 1968, 1982 and so it is today, Sir.

3 Material to this point is the request by the
4 officers' lawyers and the current Commissioner of the
5 Metropolitan Police to ask you to investigate whether
6 the Security Services relied upon the identities of
7 deceased children, and I note that that complaint has
8 continued into their closing submissions. Whether they
9 raise that topic by way of justification or mitigation
10 is not entirely clear, but either way, their reliance is
11 entirely misplaced. The police should not have been
12 behaving as spies, and they should not, not for one
13 second, justify their behaviour by reference to the
14 conduct of spies. The fact that their efforts as
15 justification extend to the operational activities of
16 the KGB rather serves to underline that particular
17 point.

18 Sir, Article 8. We say that Article 8 is of
19 particular assistance to the Inquiry in its
20 consideration of this topic, because it provides
21 clarification as to the nature and scope of the police
22 duty not to interfere with the private lives of
23 citizens, this being an area in which European and
24 domestic jurisprudence has marched in step, and in
25 providing a framework for the Inquiry's consideration as

1 to whether the interference with the private lives of
2 the families is capable of justification. We of course
3 say it is not and has not been.

4 But leaving to one side our bemusement that the
5 police Core Participants seek to discourage you from
6 addressing legality in the formation of your judgmental
7 conclusions, the use of real identities by the
8 undercover police officers obviously engaged the
9 criminal law and we've set out in our paper the several
10 criminal law provisions that are pertinent.

11 And we make this point: the police are criminal law
12 specialists, they are familiar with offences and they
13 ought reasonably to have done everything in their power
14 to stay on the right side of the line. But it is
15 telling that, in contrast, Geoffrey Craft told you, Sir,
16 that he actually gained confidence in this operational
17 methodology from his knowledge of a KGB agent's reliance
18 upon it, an investigation in which he was involved,
19 Mr Mulvena, and which resulted in that KGB agent's
20 conviction, conviction of a criminal offence associated
21 with the method by which he constructed his identity,
22 the same method as was then used by the SDS.

23 So we find ourselves returning to the distinction
24 between police and spies. We say that that was
25 a distinction wilfully ignored by the senior officers

1 responsible for the SDS.

2 Some observations with regard to the evidence, and
3 we begin by addressing the "we had no other choice"
4 defence advanced by the Commissioner and by the
5 officers.

6 The methodology described by Conrad Dixon concerning
7 the assumption of cover identities and approved by
8 Mr Ferguson Smith and represented to the chain of
9 command in 1968 as reflecting the actual and intended
10 operational practices of the SDS in fact bore no
11 resemblance to the reality and there was no action taken
12 by them, or any other, to implement professional working
13 practices. The early officers describe a casual and
14 ad hoc approach, a lack of supervisory involvement, or
15 even interest, an absence of any training, guidance or
16 instruction and being in effect left to their own
17 devices. And the officers were deployed after Mr Dixon
18 had deposed the reporting working practices of the SDS
19 to his document "Penetration of Extremist Groups",
20 similarly operated without any or any adequate
21 supervisory involvement, training, guidance or
22 instruction.

23 There is no evidence that any managerial concern was
24 brought to by on the risks associated with relying upon
25 fictitious identities. On the contrary, Conrad Dixon

1 and Mr Ferguson Smith represented that fictitious cover
2 identities, subject to certain safeguards, were capable
3 of withstanding scrutiny. There was no genuine concern
4 about the efficacy of relying upon fictitious identities
5 and no assessment of the necessity of conversion to the
6 post 1974 practice.

7 There is some evidence that officers deployed in
8 the early phase of the SDS operations, perhaps relying
9 on prior Special Branch experience, appreciated that
10 staying within the confines of their intended role
11 better protected their cover, and appreciated the
12 importance of not readily giving up information from
13 which a check of public records could be made. HN34
14 said that he did not want to become too close to anyone
15 as it would have made a compromise more likely. And
16 HN348 said that she was there as an observer, not as
17 a participant, and that has resonances with the
18 Committee of Parliament back from 1833. And it was not,
19 she explained, difficult to avoid revealing information,
20 because the people she was observing were very vocal,
21 keen to have an audience and didn't ask her questions
22 about herself. But those officers were the exception,
23 because most officers didn't have a strategy to maintain
24 their cover. They were left to their own devices and
25 they played it by ear. They became closely involved in

1 the private lives of those whom they were observing and
2 worse.

3 This is of course material, because once suspicions
4 were raised, there was always the possibility that
5 public records might be checked and all options carried
6 significant risk once that stage had been reached.
7 The approach to the creation and reliance upon cover
8 identities was no more professional after the adoption
9 of the post-1974 practice, and given the continuing lack
10 of training, guidance, instructions and managerial
11 input, the approach was unsurprisingly inconsistent.

12 Further, the SDS operational conduct in this period
13 was similarly at odds with the practices that were being
14 represented by senior SDS officers to their chain of
15 command, as reflected in the Annual Reports. The 1976
16 Annual Report asserted that officers were provided with
17 "the strongest possible cover backgrounds compatible
18 with the modern computer age". And it's a matter of
19 obvious concern to the families that Sir Mark Rowley is
20 buying into that same fiction, the same fiction that
21 Conrad Dixon represented to his superiors and the same
22 fiction that was represented up the chain of command by
23 Conrad Dixon's successors. In this closing argument to
24 this phase of your Inquiry, the Commissioner states:

25 "It was essential for undercover officers to create

1 credible identities that could withstand proactive,
2 close scrutiny."

3 But the history of the repeated compromise of
4 officers, often through their own stupidity and even
5 criminality, makes plain that these officers were not
6 taking care to create credible identities. That was not
7 seen as essential. The senior officers did not train,
8 guide or manage them to take care. Credible identities
9 were not a priority for the SDS. The officers were left
10 to run amok.

11 To the extent that any operational justification for
12 the post-1974 practice emerges from the Tranche 1
13 evidence, it appears to be based on the suggestion that
14 a real birth certificate was the root document from
15 which identity documents might be obtained and that
16 the subjects of SDS operations might more readily
17 establish that the assumed identity was of a living
18 person than they might establish that the assumed
19 identity was of someone who had died. The families'
20 position is that that simply does not stand up to
21 scrutiny.

22 First, the pre-1974 officers were provisioned with
23 a range of identity documents, notwithstanding their
24 reliance upon fictitious identities.

25 Secondly, professional conduct in the field, to

1 which scant attention was paid, afforded the best
2 protection against falling under suspicion, and without
3 suspicion, a check would not be made.

4 Thirdly, once suspicions were raised, the likelihood
5 of reliance upon the identity of someone who had died
6 was an obvious follow-on suspicion, given the popularity
7 of this method and its repeated references in popular
8 culture. Death records could be readily correlated with
9 birth certificates, relying upon the locality
10 indicators.

11 And finally on this point, organisations of civil
12 society and individuals who suspect they are being
13 deceived as to the identity of someone in their midst,
14 as the actions of the individuals affected and
15 participated in this Inquiry attest, they will be
16 determined in their pursuit of the truth. The mere
17 finding of a birth certificate would not quieten such
18 suspicions. There was cause for the SDS to reflect upon
19 this reality in the very early phase of its reliance
20 upon the identity of dead children, but the practice was
21 nevertheless persisted in.

22 There were egregious failures often part of SDS
23 senior officers in failing to take any adequate steps to
24 ensure that deployed officers maintained basic standards
25 of professionalism in their deployed roles and in

1 failing to have any, or any adequate, regard to the
2 operational limitations and risks of relying upon the
3 identities of deceased children.

4 I intend to touch briefly on the topic of
5 responsibility, because no one admits responsibility.

6 In October 2020, it was said on behalf of
7 Cressida Dick, Mr Rowley's predecessor, that evidence
8 will be given as to why the practice of relying upon
9 dead children's identities was considered necessary at
10 the time to support the work of undercover police
11 officers. But in fact you, Sir, have not been given any
12 evidence as to why the post-1974 practice was considered
13 necessary at the time.

14 Similarly, the Designated Lawyers' Group in their
15 opening statement at Tranche 1 observed that
16 the reliance on fictitious cover identities was
17 "reviewed and abandoned after a number of
18 undercover officers were compromised or outed". Again,
19 there has not been a scintilla of evidence introduced in
20 Tranche 1 to support that assertion.

21 You will have reached your own view as to the
22 credibility of evidence which you heard from
23 Derek Brice. The family make the following points.

24 The post-1974 practice became the embedded
25 operational practice of the SDS during his tenure.

1 There is an irreconcilable conflict between his evidence
2 and that of Mr Smith as to his state of knowledge. He
3 described his role as that of quartermaster, with
4 responsibility for supplying things they needed and
5 making sure they were safe. In the SDS context,
6 provisions necessarily entailed cover document provision
7 and the creation of cover identities, and the
8 post-deployment utilisation of those identities were
9 the essential elements of keeping an officer safe.

10 And the SDS was a very small unit with Derek Brice
11 one of only three senior officers working in the
12 back office, and it is improbable that he would not have
13 been aware that officers were spending significant time
14 at St Catherine's House seeking out the identities of
15 dead children and that a member of the back office team
16 was accompanying them there from time to time.

17 And finally on Mr Brice, his attempt to time of
18 introduction of the post-1974 practice to a period after
19 his tenure prompted, as he said, perhaps, by
20 The Day of the Jackal was singly unsuccessful.
21 The practice began to be embedded from the spring of
22 1974; the film was released in 1973. So the family
23 invite you to reject his evidence and to conclude that
24 he was in fact fully aware of the post-1974 practice.

25 Whether his unwillingness to admit knowledge had

1 arisen deliberately or through the operation of wishful
2 thinking, the families submit that the more important
3 point is that his reluctance to accept knowledge is only
4 consistent with the stark fact that the post-1970
5 practice was obviously repugnant, whether viewed from
6 the perspective of 1974 or today, and it ought at the
7 very least to have been the subject of extremely careful
8 consideration before being rejected out of hand.

9 My next topic is to consider the ethics defences
10 that have been advanced by the Commissioner and the
11 individual officers.

12 So, firstly, Sir Mark Rowley, his position is no one
13 thought to consider it at the time, and the
14 Designated Lawyers' Group make reference to World War II
15 and tell you that child and infant mortality rates were
16 higher in the 1970s than they are at this time.

17 Sir, when we scrutinise the actual evidence, it's
18 not true that no one considered the ethics at the time.
19 The individuals who considered the ethics at the time
20 were the frontline officers. HN336, deployed in early
21 1989, said he could not imagine the anguish it would
22 cause to the family of a deceased child to learn that
23 the child's identity had been used in such a way.

24 HN200, recruited to the SDS in April '74, told you:

25 "I did query whether it was necessary to do this.

1 It wasn't something that sat comfortably with me."

2 And that it had caused him upset, bearing in mind
3 the possibility of the family finding out that he was
4 relying upon the identity of their dead loved one. He
5 went on to challenge his superior stating, "Why is that
6 necessary"?

7 We say that you heard some very telling evidence
8 from the wife of HN13. He was deployed in early 1975,
9 and she had a strong recollection of being told by her
10 husband that his cover name was the surname of
11 a deceased child and she stated, "It only had to be said
12 once for it to be imprinted in my mind". Indeed.

13 And Vincent Harvey, joining the SDS in 1976, told
14 you that he appreciated the risk. He said "unless
15 extreme care was taken, there was a risk" of a parent
16 being approached or a death certificate being found.
17 And he stated the risk of being confronted with
18 the child's death certificate was "obviously in the back
19 of your mind ... there was constantly the concern that
20 you might be identified as a police officer, whether by
21 the death certificate" or another reason.

22 HN80, deployed into the field between about
23 March 1977 and March 1982, stated that the practice of
24 a reliance upon deceased children's identities
25 distressed him so much that he initially refused to rely

1 on it. He said:

2 "It distressed me to consider using the details from
3 a dead child's birth certificate and I knew that it
4 would necessarily cause distress to that child's family
5 if it was discovered."

6 He had a long discussion with Mr Ferguson and
7 insisted upon combining elements of a deceased child's
8 identity with fictitious details and truthful details,
9 such as his own date of birth.

10 The risk of a family finding out was always present.
11 It was a risk brought to the forefront of senior
12 officers' minds as a result of the Big Flame members
13 presenting Richard Clark with the death certificate of
14 the child whose identity he had taken. But they carried
15 on. Carried on despite the obvious legal, moral and
16 ethical objections, because that was very much the modus
17 operandi of the SDS generally.

18 And as to the Designated Lawyer's position that
19 World War II had hardened the perspective of the senior
20 officers, an explanation you will recall, Sir, that was
21 advanced by David Bicknell, we also invite to you reject
22 that argument and the companion argument now advanced by
23 the Designated Lawyers' Group that infant and child
24 mortality rates were higher in those days.

25 Sir, the experience of war is as likely to underline

1 the importance of human life and the special gravity of
2 being bereaved of a child.

3 You have the evidence from the frontline officers
4 and you have the evidence from HN13's wife and we invite
5 you to conclude that the senior officers were wilfully,
6 recklessly ignoring the obvious moral implications.

7 Briefly, on the topic of origin, Sir. We -- you
8 have endeavoured to examine the origins of the practice,
9 including knowledge and responsibility for the change,
10 because of course that is of assistance in examining the
11 validity of the Metropolitan Police's claim to
12 operational justification. And the families' analysis
13 is that the most likely precipitant was nothing more
14 than likely than the 1973 film adaption of
15 the Frederick Forsyth book. In our analysis, more fully
16 developed in our written submissions, this was
17 a precipitant. Adoption of the practice was not driven
18 by operational considerations.

19 The Day of the Jackal was published in 1971 and the
20 film adaption released in cinemas in May 1973, so the
21 release of the film fell in close temporal proximity
22 with the SDS move from reliance upon fictitious
23 identities to those of deceased children. And HN126,
24 who served in the SDS shortly after the introduction of
25 the practice, told you that they had all watched

1 Day of the Jackal a couple of years earlier when it came
2 out, and it was his understanding that using
3 the identities of dead children was an idea that had
4 sprung from them. And he explained that the Jackal, or
5 the Day of the Jackal, was used as a nickname by him,
6 and he was sure that he was not the only one to use that
7 term in connection with the technique. And we say his
8 evidence has the ring of truth about it. The film was
9 a critical and commercial hit likely to have appealed to
10 the law enforcement community and most particularly
11 those involved in undercover work. Perhaps the film's
12 release brought to Mr Rodger or Mr Craft's mind the
13 detail of the methodology relied upon by Mr Mulvena.
14 And unfortunately, although Geoffrey Craft provided you
15 a statement on 7 December 2020 in which he stated in
16 unequivocal terms that "the idea of using a deceased
17 child's identity came from Forsyth's Day of the Jackal",
18 by the time he gave evidence eighteen months later, he
19 sought to, in his word "correct" that account, stating
20 in evidence that the method had merely been popularised
21 by this work and he did not know how the practice
22 started and he therefore aligned his account with
23 the one David Smith had given two days previously and
24 Derek Brice the day before, and he distanced himself
25 from the institution of the post-1974 practice.

1 Irrespective, what is important is that
2 the methodology was a well known device, well known
3 among police officers, well known among the intelligence
4 community and well known by the public at large.

5 So in relation to conclusions, we invite you, Sir,
6 to conclude that the failure to bring any meaningful
7 managerial oversight to bear upon the practices of
8 the deployed officers in the period before and after
9 the SDS started to rely upon the identities of dead
10 children is highly material to the conclusion we invite
11 you to draw, that the Metropolitan Police has failed to
12 establish operational necessity for the practice.

13 And the families also submit that the history of
14 compromise from the Tranche 1 period is of assistance in
15 dispelling the operational justifications advanced by
16 the Commissioner and the Designated Lawyers' Group.
17 The very real operational risks highlighted by the
18 events surrounding Richard Clark militated against the
19 post-1974 practice. But failure to reflect on those
20 events and the other compromises and the potential
21 compromise events, in combination with the failure to
22 establish basic standards of professional working
23 practice, are only consistent with reckless reliance
24 upon the practice.

25 And in considering the families' submission that you

1 should conclude that senior officers wilfully disregard
2 the legal, moral and ethical implications, the families
3 invite your particular attention to the absence of any
4 consideration by those officers of the relative
5 operational effectiveness of the alternative methods and
6 the obvious nature of the harm that would be occasioned
7 to affected families, a risk that was obviously
8 identified, because frontline officers took some steps
9 to avoid it.

10 The SDS operated at the edges of legality and
11 morality, and what became its embedded operational
12 practice, including the practice in relation to
13 the identities of dead children, were operational
14 practices that went far beyond those norms.

15 The Tranche 1 evidence has established that senior
16 officers were content to condone and indeed encourage
17 such working practices. The focus of their concern was
18 to ensure conditions of maximum secrecy, appreciating,
19 whether consciously or not, that if the abhorrent
20 working practices of the SDS were to be exposed.

21 The resultant public outcry would bring embarrassment
22 upon the Metropolitan Police, ignominy upon themselves
23 and an end to the SDS's activities, and we invite you to
24 conclude that, whether judged by the standards of the
25 19th century, the 20th century, or this, it was entirely

1 those of the Designated Lawyer.

2 Sir, at the outset, could I ask for doc 020 to be
3 brought up to screen {Doc/020/1}. Thank you.

4 Sir, Celia Stubbs was the partner of Blair Peach,
5 who is pictured in that photograph. Blair Peach was
6 killed by a police officer striking a blow to
7 Blair Peach's head during a protest against racism in
8 Southall in April 1979. The circumstances of his tragic
9 death and the sustained cover-up that followed it are
10 told in Celia Stubbs' statement and were set out in the
11 opening by us to Part 2 of this tranche of the Inquiry.
12 It is a story, ultimately, of police officers and the
13 Metropolitan Police colluding and conspiring to conceal
14 the true circumstances of Blair Peach's death and to
15 evade accountability.

16 Sir, that photograph can be taken down. Thank you.

17 At the conclusion of this tranche of the Inquiry,
18 the central conclusions invited by Celia Stubbs are as
19 follows.

20 First, that the SDS, on behalf of Special Branch and
21 the Metropolitan Police, targeted and covertly gathered
22 intelligence on Celia Stubbs and the campaign for
23 justice concerning Blair Peach over a period of decades.

24 Second, the purpose of gathering such intelligence
25 had nothing to do with public disorder, it was concerned

1 solely with protecting the Metropolitan Police from
2 criticism and its officers from justice.

3 The intelligence was, we say, as a matter of fact, used
4 for that purpose.

5 Third, the deployment of undercover officers and
6 gathering of intelligence with that purpose was wholly
7 unjustified.

8 Fourth, the targeting of any peaceful justice
9 campaign by undercover officers would be wholly
10 unjustified, but it was particularly duplicitous and
11 abhorrent in circumstances that the Metropolitan Police
12 knew full well that Celia Stubbs and the Blair Peach
13 campaign was seeking to uncover a grave injustice and
14 the true circumstances in which Blair Peach had been
15 killed by an officer of the Special Patrol Group.

16 Sir, the truth about the killing of Blair Peach and
17 the fact that the Metropolitan Police had known
18 the truth all along only became public knowledge
19 following the publication in April 2010 of the report of
20 Commander Cass, which had been written some 30 years
21 earlier. The report on the Metropolitan Police stating
22 that:

23 "14 witnesses said they saw an officer hit
24 Blair Peach ... and there is no evidence which shows he
25 received the injury in any other way. This of course is

1 and always has been a grave concern to the Met ... we
2 acknowledge the stress, suffering and upset his family
3 and friends must have felt at the time of his death and
4 subsequently."

5 That's what was said in 2010.

6 But, Sir, it was certainly not a "grave concern" to
7 the Metropolitan Police in the 1980s when the reports,
8 and the truth, were concealed. At that stage, the
9 Metropolitan Police was perfectly content for the
10 inquest into Blair Peach's death to be misled and the
11 responsible officers to evade justice. The publication
12 of the report in 2010 offered some small measure of
13 truth, but it was far too late to achieve any measure of
14 accountability.

15 In the decades between Blair Peach being killed and
16 the publication of the Cass reports, Celia Stubbs had
17 campaigned for truth and justice. With friends of
18 teachers who worked with Blair Peach, she established
19 the Friends of Blair Peach Committee, or the FBPC. Her
20 campaigning was valiant and it was dignified. It was
21 entirely peaceful, always, and pursued the means of
22 peaceful campaigning and recourse to the rule of law.
23 She also supported other people who were campaigning for
24 justice and seeking police accountability. She was
25 a founding member of the charity INQUEST, which still

1 exists today and every year supports hundreds of
2 bereaved families in seeking justice for their loved
3 ones who have lost their lives in police and prison
4 custody and other settings.

5 She was also a member of the
6 Hackney Community Defence Association and the
7 Colin Roach Centre. As she said to you, Sir, in her
8 statement:

9 "All of these campaigns have been about
10 strengthening civil society, campaigning on issues like
11 legal aid, lawyers' groups and Parliamentary lobbying."

12 Celia Stubbs now knows that notwithstanding her
13 peaceful and lawful pursuit of truth and justice, she
14 was the subject of repeated intelligence-gathering by
15 Special Branch, including by the undercover officers of
16 the SDS. The fact that the State was deploying
17 resources to gather intelligence on her and treating her
18 as if she was a criminal or a threat to law and order
19 is, to Celia Stubbs, extremely distressing. So too,
20 Sir, is the content of much of the reporting, which is
21 demeaning and dismissive. Celia Stubbs was seen by
22 Special Branch as nothing more than "a mere propaganda
23 tool" for the left. That she may have been a victim
24 pursuing a just cause of accountability for
25 a Metropolitan Police officer killing her partner did

1 not register with Special Branch.

2 The questions which loom large for Celia Stubbs and
3 which the terms of reference for this Inquiry demand an
4 answer are: why were undercover officers deployed to
5 gather intelligence on Celia Stubbs and the Blair Peach
6 campaign, and to what end?

7 The picture which has emerged is that the
8 Metropolitan Police, in the 1980s -- and, it appears, in
9 the years since -- has maintained an intense and
10 determined interest in police accountability groups and
11 campaigns for justice in respect of wrongdoing by police
12 officers. It pursued that interest through
13 Special Branch. That interest had nothing to do with
14 fear of public disorder or fighting crime, it had
15 everything to do with the Metropolitan Police and
16 Special Branch perceiving accountability and justice as
17 a nuisance and a threat. Intelligence was gathered by
18 Special Branch on police accountability groups and
19 justice campaigns to help the Metropolitan Police
20 respond to that perceived threat.

21 The SDS and its undercover officers targeted
22 Celia Stubbs and the campaign in order to serve that
23 intense interest of Special Branch in police
24 accountability groups and justice campaigns.
25 The deployment of and targeting by undercover officers

1 was not the subject of any formal or rigorous process of
2 careful selection and justification. Instead it
3 appears, as is the impression, undercover officers were
4 Special Branch men who knew what Special Branch were
5 interested in and Special Branch were interested in
6 justice campaigns.

7 We say, Sir, that targeting a campaign for justice
8 such as the Blair Peach campaign can never be lawfully
9 justified unless there was some reason to consider that
10 the campaign was conspiring to perpetrate significant
11 crime. To target the campaign to serve the interests of
12 Metropolitan Police -- in police accountability groups
13 in general and to frustrate access to the truth in this
14 specific instance was unjustified.

15 Sir, that's a summary of our position, but we
16 proceed as follows and by addressing the following
17 questions: how were Celia Stubbs and the
18 Blair Peach campaign targeted by the SDS; what was
19 the motivation for targeting Celia Stubbs and the
20 Blair Peach campaign; what was the effect of
21 the undercover policing targeted at Celia Stubbs and the
22 Blair Peach campaign; and was the undercover policing
23 justified and lawful?

24 So, Sir, turning to that first question: how were
25 Celia Stubbs and the Blair Peach campaign targeted by

1 the SDS?

2 A timeline of the SDS reporting on Celia Stubbs and
3 the Blair Peach campaign is set out in a table annexed
4 to our written submissions. The timeline highlights
5 what is now known of the activities of the SDS and
6 Special Branch in respect of Celia Stubbs, and when and
7 how evidence was disclosed to her by the MPS, either by
8 this Inquiry, Sir, or on her own motion via a subject
9 access request. The timeline demonstrates that, as
10 a Non-State Core Participant, Celia Stubbs has made an
11 important contribution to the effectiveness of the
12 Inquiry.

13 We see, Sir, from that timeline that the gathering
14 of intelligence on Celia Stubbs by the SDS, and more
15 generally by Special Branch commenced in the 1970s,
16 intensified after Blair Peach's death in April 1979 and
17 continued at least into the 1990s. It followed not only
18 her campaign in respect of the killing of Blair Peach,
19 but also her involvement in other justice campaigns.

20 Both Celia Stubbs and Blair Peach were the subject
21 of Special Branch Registry files prior to Blair Peach's
22 death in 1979. She also appeared in a limited number of
23 SDS reports with her reported as being present at
24 the inaugural public meeting of the
25 Hackney Community Relations Council in August 1976 and

1 a meeting of the International Socialists in July 1976.
2 Two Special Branch reports of 1978 noted details of
3 Blair Peach's car and his relationship with
4 Celia Stubbs, and also an incident of Celia Stubbs
5 wearing an Anti-Nazi League lapel badge being assaulted
6 by two members of the National Front and suffering
7 bruises and lacerations to her face.

8 However, following Blair Peach's death, the
9 subsequent campaign for justice was immediately the
10 subject of intense scrutiny and SDS reporting. The
11 campaign features in various SDS reports, such as
12 reports of a Socialist Workers Party meeting in
13 April 1979 urging attendance at a peaceful vigil, at
14 a meeting of 3 May 1979 referencing the
15 Socialist Workers Party conducting its own
16 investigation, and on 23 May 1979, the SDS provided
17 a list of persons present at a demonstration regarding
18 Blair Peach's death organised by the Indian Workers
19 Association.

20 On 30 May 1979, an SDS report attached a leaflet
21 produced by the Friends of Blair Peach Committee. The
22 leaflet described that answers were sought to
23 the questions, "Who killed Blair Peach and why, what
24 were the activities of the police, especially
25 the Special Patrol Group in Southall on April 23rd, and

1 what orders were given and by whom?" The leaflet
2 suggested actions such as phoning a local radio station,
3 writing to the local newspaper, contacting a local MP
4 and organising pickets. Sir, you can see it was not
5 remotely subversive or remotely concerned with inciting
6 disorder.

7 A report of 4 June 1979 noted a connection between
8 the Blair Peach Committee and the SWP. Several reports
9 referenced plans for pickets at police stations and at
10 the inquest and some of those reports listed those that
11 were in attendance.

12 A source of significant distress for Celia Stubbs is
13 that undercover officers of the SDS were present at
14 Blair Peach's funeral on 13 June 1979. A report listed
15 a number of individuals present at the funeral and other
16 reports included photographs of some of those in
17 attendance. According to the gist of the closed
18 statements, one officer describes attending the funeral.

19 An SDS report of July 1980 reported that the Friends
20 of Blair Peach Committee were at present attempting to
21 form a national coordinating body with other such
22 committees concerned with cases of State brutality by
23 the police and prison authorities. Special Branch
24 officers preparing intelligence reports were clearly
25 aware of and disseminating information relating to the

1 strategies pursued by Celia Stubbs and the campaign.

2 A Special Branch report of February 1982 described
3 her as attempting to provoke the police into commencing
4 libel proceedings, thus seeking to reveal internal plans
5 of the campaign.

6 It is also apparent that SDS interest in
7 the campaign regarding the circumstances in which
8 Blair Peach was killed, or at least the campaign, did
9 not diminish even over the many years that followed.
10 A report of April 1989 on a meeting of the Blair Peach
11 10th Anniversary Committee is stated to be from a secret
12 and reliable source, which indicates an undercover
13 officer. That is a report obtained by Celia Stubbs via
14 a subject access request.

15 Similarly, a report of July 1998 with the
16 heading "Touchy Subject" reported that April of that
17 year represented the 20th anniversary of the death of
18 Blair Peach and to commemorate the event local trade
19 unions were organising a large rally and demonstration
20 which it's said would "be presented with a strong
21 anti-racist/anti-police flavour". The report, which we
22 understand to have been prepared by undercover officer
23 Mark Jenner, also suggests that it would attract
24 anti-police groups and that "the potential for disorder
25 would be significant", albeit disorder, Sir, would have

1 represented a departure from the preceding 20 years of
2 peaceful campaigning. There was, of course, no
3 disorder.

4 So that, Sir, is a potted summary of the
5 intelligence-gathering by the SDS and Special Branch on
6 Celia Stubbs and the campaign, and we turn, Sir, to
7 consider what was the motivation for targeting
8 Celia Stubbs and that campaign.

9 Sir, at the conclusion of the evidence of this part
10 of the Inquiry, it is evident that the targeting of
11 Celia Stubbs was motivated by a desire to serve
12 Special Branch's general interest in police
13 accountability groups and campaigns for justice. That
14 interest was driven in part by Special Branch viewing
15 police accountability as anti-police and anything
16 anti-police or indeed anti-racist, or feminist, or
17 pro-gay rights, as extremist and subversive. It was
18 driven by a desire to protect the police from
19 accountability and to defend the police in relation to
20 legal proceedings arising from their actions.

21 That's revealed, Sir, we say from consideration of
22 the following: the interest of Special Branch in police
23 accountability groups generally and the evidence as to
24 that; the interest of Special Branch in the Blair Peach
25 campaign in particular; the evidence as to the use to

1 which evidence gathered was put; how SDS targeting
2 sought to serve the general interests of Special Branch;
3 and that reporting on the campaign could not have been
4 simply incidental to other objectives.

5 Sir, turning to the interest generally of
6 Special Branch in police accountability groups. We note
7 two points at the outset. First, some of the
8 Special Branch documents before you use the term "police
9 accountability groups" to refer to both those groups
10 concerned with the general concept and mechanisms of
11 accountability and those individuals or groups working
12 with individuals seeking accountability and legal
13 address for specific incidents, what we would describe
14 as a justice campaign. These individuals and groups
15 were either pursuing or were subject to formal legal
16 processes and are more accurately described as justice
17 campaigns.

18 Second, Sir, to recognise at the outset that the
19 disclosure sought by the Inquiry from Special Branch as
20 opposed to the SDS in particular has been limited.
21 The Inquiry has not sought full disclosure of the
22 interest of Special Branch in police accountability
23 groups and justice campaigns. Irrespective of
24 the merits or otherwise of that approach, it is
25 inevitably the case, Sir, that what has been revealed so

1 far in this Inquiry can be no more than glimpses behind
2 the veil of the interests of Special Branch which the
3 SDS sought to serve. Nevertheless, those glimpses are
4 sufficient, we say, to provide a clear picture of
5 Special Branch having an avid and self-serving interest
6 in police accountability groups.

7 An important insight is provided by the extensive
8 44-page Special Branch report of January 1983 describing
9 the actions of the then Labour-controlled Greater London
10 Council, the GLC. The report describes in detail the
11 democratic activities of the GLC in respect of seeking
12 police reform and supporting groups seeking police
13 accountability. The report reveals not only the intense
14 interest held by Special Branch in police accountability
15 groups, but also that the interest was highly political
16 and largely different by the wholly misconceived idea
17 that police accountability was someone subversive and
18 posed an existential threat to the police.

19 At that time, Sir, each police area nationally was
20 governed by a local police authority comprising local
21 councillors and magistrates, save for the
22 Metropolitan Police that was governed by the Secretary
23 of State serving as the local police authority. The GLC
24 believed that the Metropolitan Police should also have
25 accountability to local communities in the same way as

1 the rest of the country, even at that time. It
2 campaigned to that effect and sought to take steps to
3 have a role in the oversight and direction of the
4 Metropolitan Police, including by supporting local
5 police accountability groups and establishing borough
6 police committees in each London borough. It was
7 intended by the GLC that these committees undertake
8 steps such as monitor the policies and practices of
9 the local police, develop crime prevention strategies,
10 monitor the police complaints procedure and exchange
11 information and views on local police activity with
12 local independent monitoring groups.

13 Irrespective of the merits of the GLC's view, it was
14 pursued with democratic legitimacy and was neither
15 subversive nor extremist. Indeed, today, the
16 Metropolitan Police Service falls under the supervision
17 of the Mayor's Office for Police and Crime, which serves
18 the same role in effect as a Police and Crime
19 Commissioner and which replaced the previous area police
20 authorities. That is the position in effect that was
21 advocated in the 1980s by the GLC.

22 Notwithstanding that democratic legitimacy,
23 Special Branch took a keen interest, as is stated in
24 the report in terms:

25 "Special Branch has attempted to follow the campaign

1 in detail and in so doing has collected a mass of
2 information about the personalities and groups
3 involved."

4 And the report was said to be an attempt to analyse
5 and interpret that information.

6 Undoubtedly, the message of the report is there was
7 some malevolent in the steps taken by the GLC to ensure
8 police accountability and the groups it supported,
9 however the supposed identity of the malevolence which
10 warranted the gathering of this mass of information, as
11 described, is difficult, we say, to decipher.

12 The report is scathing as to the use of public funds by
13 the GLC, which it described as an "irresponsible and
14 profligate use of public money" but the use of public
15 funds by the GLC could hardly be a proper matter for
16 Special Branch.

17 The report is entirely dismissive of the GLC's
18 intentions describing that its "innocuous meetings with
19 their solemn self-imposed responsibilities and grandiose
20 self-perpetuating designs were merely the external
21 trappings of the police committee's work".

22 The report does describe that there were various
23 extremist influences operating within the GLC and its
24 two police bodies, but these extremist influences,
25 so-called, were simply references to various left wing

1 campaign groups. Kate Allen was described as a militant
2 feminist and the then leader of the GLC,
3 John Austin-Walker, was considered extremist as he was
4 affiliated to the CND.

5 Celia Stubbs herself is mentioned in the report in
6 her capacity as part of the management committee of
7 INQUEST which featured in the report, given its interest
8 in police accountability. As we have already noted,
9 Sir, Celia Stubbs and INQUEST were concerned primarily
10 with the rights of individuals seeking to call the
11 police to account for their actions in relation to
12 specific incidents which were the subject of ongoing
13 legal processes. Nevertheless, as characterised by
14 Special Branch, INQUEST was formed:

15 "In May 1981, at the height of an orchestrated
16 campaign which sought to infer that all deaths in police
17 or prison custody should be seen as evidence of
18 malpractice."

19 Celia Stubbs and her colleagues were evidently to be
20 viewed by Special Branch with suspicion as having been:

21 "Closely associated with the CPS and currently seem
22 as Trotskyist sympathisers at least".

23 The conclusion drawn by the report was that the
24 campaign for police accountability in London was
25 significantly influenced by political extremists whose

1 motives were said to be questionable. As to the
2 perceived threat posed by these groups, it was said that
3 in the short term they are clearly intent upon causing
4 mischief for the Metropolitan Police Force and it was
5 said in the long term they patently aspire to control
6 it. Thus Special Branch feared both mischief and some
7 sort of existential threat. The report's concluding
8 remark is that whatever their motives, their efforts
9 have nothing to do with the rule of law or the true
10 interests of the people in London whom they claim to
11 serve.

12 Sir, the misplaced and intense interest and distrust
13 and fear of police accountability groups is evident. It
14 clearly, Sir, strayed far beyond any proper policing
15 role and into an evaluative assessment of legitimate
16 democratic processes and the rule of law and it was
17 largely founded on Special Branch's own prejudiced view
18 of the political left, its dislike of campaigns around
19 racism and gay rights, and a distaste for
20 accountability.

21 Sir, a number of observations can be made about this
22 document. One is that "subversive", whatever the
23 niceties of its definition, had in practical terms
24 become synonymous with anything that Special Branch felt
25 to be a nuisance and anything relating to the political

1 left wing and anti-racist and pro-gay rights campaigns.

2 Another is that the determined briefing against
3 a democratically elected body such as the GLC was an
4 affront to local democracy.

5 However, the key point for your purposes, Sir, is
6 that it reveals the purpose of Special Branch targeting
7 police accountability groups and justice campaigns as
8 one of protecting the Force from scrutiny or criticism.
9 Significantly, the Inquiry has disclosed an accompanying
10 minute sheet which reveals in direct and explicit terms
11 the purpose of Special Branch's interest in police
12 accountability groups, as well as some differing views
13 as to the appropriateness of that interest.

14 Sir, I'm going to ask that a document is brought up
15 on screen. It's {MPS-0748422/1}. In case that's needed
16 again, it's {MPS-0748422/1}. And in particular page 5
17 of that document {MPS-0748422/5}.

18 Sir, what you will see on the screen is a minute
19 from Commander Wilson and we see "COSB" on the bottom
20 left, and it says this:

21 "In the light of the Commissioner's (and his senior
22 officers') need to be kept informed of future
23 developments, the [Deputy Assistant Commissioner] and
24 I have discussed the [Special Branch] position about
25 these monitoring groups. It is clear that the Branch,

1 in conjunction with the Security Service, is the only
2 department capable of pursuing further enquiries."

3 Just pausing there, Sir, it is not clear whether
4 the only department capable of pursuing further
5 enquiries is an oblique reference to the SDS, although
6 it certainly may be. But it continues:

7 "It is obvious that these groups are interested only
8 in our faults and that a power base is being built from
9 which attacks on the police can be launched. In these
10 circumstances it is right that our senior officers
11 should be briefed in order that they can adequately
12 respond to criticism. These views were expressed by the
13 Commissioner at his Conference with Commanders on 25th
14 March last. There is also a very important public order
15 aspect."

16 Sir, we say it is of profound significance that the
17 stated purpose of intelligence-gathering was to enable
18 senior officers to "adequately respond to criticism",
19 and that the view was expressed not only by
20 Commander Wilson but had been expressed by the
21 Commissioner at his Conference with Commanders.

22 The final reference to an important public order
23 aspect is either a reference to an ancillary purpose or
24 more likely, it appears to us, a useful front for
25 intelligence-gathering that had no legitimacy or

1 justification.

2 It is also of note, Sir, that others held
3 a different view -- and that document can be taken down.
4 Thank you.

5 Sir, elsewhere in the minute sheet we can see that
6 Detective Chief Superintendent Greenup considered it
7 useful for officers joining interviews and discussions
8 to receive a comprehensive briefing on a particular
9 stance and other background information on individuals
10 involved in police accountability groups, but also that
11 it was more usefully a task for A7 rather than
12 Special Branch.

13 I'm going to ask actually for that document to be
14 brought back up {MPS/0748422/9} and page 9 of the
15 document.

16 So, Sir, what we have on screen is a part of that
17 same minute sheet and it's a view expressed by
18 Commander Operations Phelan. It says at paragraph 12:

19 "I recognise that A Department sees a need to set up
20 a unit to assist in answering criticism of the police;
21 I agree with Chief Supt C that such a unit should not be
22 in [Special Branch]; I concede that the unit might
23 obtain information which would be of interest to
24 [Special Branch] and that we might make use of the unit
25 for our own purposes. Special Branch would of course

1 pass to the unit any relevant material which was
2 obtained from overt sources. However, I am quite
3 convinced that the unit should restrict itself to
4 gathering information from overt sources only. The
5 gathering of covert intelligence should not be attempted
6 in any case such information cannot be used in the way
7 envisaged."

8 That appears at least to display some unease, Sir,
9 as to the role of covert intelligence-gathering on
10 police and accountability groups.

11 Sir, it is not clear whether the same limitation was
12 thought by Commander Phelan to apply to Special Branch,
13 although DAC Hewett followed the minute by observing
14 that:

15 "This subject is fraught with problems and we must
16 take care not to stray beyond the new Guidelines for
17 Special Branch."

18 Separately, the report came to the attention of
19 Sir Hayden Phillips, a senior civil servant in the
20 Home Office, who reported to Mr Hewett his "very serious
21 concern at the breadth and tone of and market for that
22 report". Mr Hewett was said to have acknowledged that
23 he has pushed to the limit "a broader concept of public
24 order intelligence". This is meaningless as expressed
25 and dangerous in implication.

1 Sir, that's the same document at page 11, if we can
2 turn to page 11 {MPS-0748422/11}.

3 So, sorry, it's actually in a separate document,
4 Sir. It's {UCPI/35096/1}.

5 So, Sir, again, this is correspondence from
6 Sir Hayden Phillips in the Home Office. You'll see in
7 the first paragraph referencing the lengthy GLC report,
8 a reference to:

9 "Sir Hayden Phillips having spoken to Mr Hewett of
10 Special Branch about the very serious concern at
11 the breadth and tone of, and market for, [this] report."

12 And then in the second paragraph the observation
13 that in Sir Hayden Phillips' view, he did not think
14 the response from Commander Hewett on behalf of the
15 Special Branch stood up to examination and he doubted
16 whether Mr Hewett really did either and Mr Hewett
17 acknowledged that he had pushed to the limit a broader
18 concept of public order intelligence and it was
19 Sir Hayden Phillips' view that that was meaningless
20 expressed and dangerous in implication, and that is
21 something, Sir, with which we would agree.

22 Ultimately, it is evident from reading the rest of
23 that communication, Sir, that it was felt that the
24 concerns expressed to Mr Hewett would be sufficient and
25 that no further intelligence-gathering of the sort in

1 the GLC report would be undertaken, but that clearly,
2 Sir, was naive and ignorant as to Special Branch's
3 intention and long-standing interest in police
4 accountability groups and justice campaigns.

5 Sir, that can be taken down. Thank you.

6 Centrally, it is perfectly clear that Special Branch
7 interest in police accountability groups generally, and
8 justice campaigns specifically, was one of assisting the
9 Force respond to criticism and legal action
10 respectively. Although a 1983 document, it reflected an
11 interest which had existed in the preceding years, and,
12 Sir, in our written submissions, we give you references
13 to intelligence gathered on justice campaigns, both
14 before and after 1982. There is also no other credible
15 explanation in the documents for the targeting of such
16 groups by the SDS. Ultimately, there is nothing to
17 suggest that this self-serving interest of
18 Special Branch in police accountability groups was an
19 aberration of only 1983, it was an interest which
20 existed both before and after.

21 Sir, I turn to the interest of Special Branch in the
22 Blair Peach campaign in particular.

23 Sir, as is evident from the repeated reporting on
24 Celia Stubbs and the Blair Peach campaign, the interest
25 of Special Branch in police accountability groups

1 certainly included the Blair Peach campaign for justice.
2 The controversy surrounding Blair Peach's death would
3 inevitably have been a concern to the
4 Metropolitan Police and the Home Office. Indeed,
5 Dr Graham Smith, who has assisted with this submission,
6 has unearthed from the National Archives a note of
7 a discussion between the Prime Minister and the
8 Home Office on 25 April 1979 in which the Prime Minister
9 complained that the Southall incident had been the top
10 story yet again on the BBC 1 news and it was important
11 to get it out the headlines. The Home Secretary thought
12 the press conference of that day had contributed to that
13 objective, albeit the Prime Minister felt that the fewer
14 press conferences the better.

15 Similarly, Sir Charles Pollard, who has given
16 evidence, the officer in charge of policing in Southall
17 on the day in question, described it as a real disaster
18 for A8 and the Metropolitan Police before going on to
19 state that the event was seared on his mind. He also
20 noted in his statement that there could have been "big
21 meetings" with the Home Office and comments on the
22 rarity of preparing a written report for the Home Office
23 as opposed to the routine post-demonstration reports
24 prepared after other demonstrations.

25 It is also of note, Sir, that in forwarding the SDS

1 Annual Report for 1979 and seeking approval for its
2 continuance from the Home Office, it was reported by the
3 assistant commissioner at New Scotland Yard in his
4 letter of 7 March 1980, that the focal point of
5 so-called extremist activity had been the general
6 election held in May 1979 and that the culmination of
7 the virulent anti-fascist demonstrations was the death
8 of the Anti-Nazi League supporter Blair Peach and the
9 subsequent campaign against the police. It is of note
10 that Blair Peach's death and the subsequent campaign was
11 reported by Special Branch to be a focus of that year
12 and featured prominently in the report of the SDS
13 activities to the Home Office. It is also striking,
14 Sir, that, as we have already observed, the gathering of
15 intelligence by undercover officers on the campaign
16 lasted over such a lengthy period.

17 Sir, moving then to the use to which evidence
18 gathered on the Blair Peach campaign was put.

19 We have nothing like a full answer as to the uses to
20 which information was put as the Inquiry, as we have
21 observed, has not sought disclosure, or at least
22 complete disclosure of that from Special Branch. There
23 are, however, some examples appearing within
24 the disclosure of gathered intelligence being put to
25 use. There is no example of any of the intelligence in

1 respect of Celia Stubbs or the campaign being of any
2 meaningful utility for any public order purpose. There
3 are, however, examples of gathered intelligence being
4 used to assist the Police Force in responding to the
5 campaign's attempts at achieving justice and
6 accountability.

7 Could we have on the screen doc 076. And this, Sir,
8 is a Special Branch document that was obtained by
9 Celia Stubbs via a Subject Access Request. It's dated
10 19 June 1979. {DOC/76/1}.

11 Sir, as you can see, the report is described as
12 concerning:

13 "... those persons, known to this Branch ..."

14 Known to Special Branch:

15 "... who have made written statements to Police
16 concerning the death of Blair Peach during an
17 anti-National Front demonstration at Southall on
18 23.4.79."

19 And it references an appendix which shows a list of
20 all the persons who have made statements and what is
21 described as a "brief resumé" of information concerning
22 each individual held by Special Branch. The schedule
23 itself is available but is entirely redacted. So, it is
24 a collation, Sir, of the key information held by
25 Special Branch on all individuals giving evidence in

1 respect of Blair Peach's death. The document does not
2 spell out why Special Branch was collated and reporting
3 information it held on all of these individuals, but we
4 say it is difficult to see any motivation other than
5 that it was looking for opportunities to discredit
6 accounts given of police brutality which resulted in
7 Blair Peach's death. It certainly has nothing to do
8 with public disorder and everything to do with
9 the investigation into the death.

10 Sir, the second document that, again, I would like
11 to be -- have brought up on screen, it's
12 {MPS/0733406/1}.

13 Sir, this is another Special Branch memorandum.
14 It's from April 1980. It records a meeting with
15 the Deputy Assistant Commissioner of Operations of
16 the Metropolitan Police regarding the Friends of Blair
17 Peach Committee, and you'll see, Sir, that it observes
18 that:

19 "Consideration is being given to applying for
20 a High Court injunction to prohibit the further
21 application of names of the Special Patrol Group
22 allegedly involved in Peach's 'murder'."

23 And if we look further down that page, the
24 information is given that the committee was an umbrella
25 organisation dominated by the SWP and ANL. The names of

1 the leading figures are included, including
2 Celia Stubbs. The address is given, as are some other
3 details, including where leaflets were printed.

4 Sir, both of these documents are Special Branch
5 documents indicating that Special Branch information was
6 used for the purpose of responding to their campaigning.
7 Sir, we can't draw the direct line from SDS information
8 to these Special Branch reports to the use to which it
9 is put, but it is perfectly evident, Sir, from the many
10 SDS reports that you would have seen that this is
11 precisely the sort of information that the SDS was
12 concerned with gathering, and we can see the use to
13 which it was put.

14 Sir, moving then to how SDS targeting sought to
15 serve the general interests of the Metropolitan Police.

16 Sir, that's set out from paragraphs 50 -- sorry,
17 that document can be taken down.

18 Our points about how SDS targeting sought to serve
19 the general interests of the Metropolitan Police are set
20 out from paragraph 50 of our written submissions. I'm
21 not going to take you through that in detail in the
22 interests of time. The central point, as the Inquiry
23 has observed, the SDS did not operate in a vacuum, it
24 was part of the Metropolitan Police and Special Branch
25 machinery. As I have just taken you through, it is

1 clear that the Special Branch was interested in police
2 accountability groups and justice campaigns for the
3 purpose of responding to them and protecting the
4 Metropolitan Police from criticism, and it was that
5 general interest, we say, that the SDS sought to serve.

6 Sir, I'm going to move then to our submission that
7 reporting on the Blair Peach campaign could not have
8 been simply incidental to other objectives.

9 It was suggested by the Designated Lawyers in the
10 opening prior to part 1 that SDS personnel did not
11 infiltrate or target justice campaigns and that such
12 campaigns were only referred to in SDS intelligence
13 reports if and to the extent that they came into contact
14 with those who were being reported on. The suggestion
15 appears to have been that any intelligence gathered was
16 wholly incidental to some other objective or target.

17 Sir, we say that is so patently wrong. As above --
18 as I've already set out, Sir, despite having absolutely
19 nothing to do with any public disorder, the SDS gathered
20 information on the campaigns regarding Blair Peach over
21 at least two decades. If the primary purpose really was
22 preventing public disorder, then targeting the
23 Blair Peach campaign was utterly farcical targeting.
24 The reality is that it had nothing at all to do with
25 public disorder, it was all to do with Special Branch's

1 intense and enduring interest in police accountability
2 groups and the specific campaign for justice in relation
3 to Blair Peach. We also know, Sir, that there was
4 specific targeting relating to the Blair Peach campaign.
5 For example, HN21 has given evidence that he was tasked
6 to attend the funeral, although he also considered it
7 highly unlikely that there would be any disorder there.

8 Sir, I now turn to address the submissions made in
9 writing and orally yesterday by the Designated Lawyer in
10 respect of Celia Stubbs and the Blair Peach campaign.

11 Sir, the seven paragraphs in writing of the
12 Designated Lawyers' submission, paragraphs 4.51 to 4.57,
13 represent the only attempt in the closing submissions of
14 any Core Participant to seek to justify the targeting of
15 justice campaigns. A single paragraph of those seven is
16 concerned specifically with intelligence gathered in
17 respect of Celia Stubbs. Sir, it is a sparse attempt at
18 justification.

19 The Designated Lawyer asserts in those submissions
20 that there "is no principle that the police cannot or
21 must not concern themselves with justice campaigns, or
22 in particular anti-police campaigns, simply by reason of
23 their status or objective", and further that the police
24 cannot "abdicate responsibility for the maintenance of
25 public order". That, Sir, is a straw man. There is no

1 suggestion that there is any need for an abdication of
2 police responsibility when it comes to justice
3 campaigns. Our submission has been that targeting
4 a campaign for justice such as the Friends of Blair
5 Peach Committee could never be lawfully justified unless
6 there was some reason to consider the campaign was
7 conspiring to perpetrate significant crime. The point
8 here is that the Blair Peach campaign was not a criminal
9 enterprise, nor was there any reason to suspect it might
10 be. It did not conspire to cause public disorder, it
11 was a campaign for justice pursuing lawful means and
12 obviously so. It remains a source of distress to
13 Celia Stubbs that public disorder continues to be raised
14 as a justification for spying on her.

15 In respect of the Blair Peach campaign specifically,
16 the Designated Lawyer makes two observations. The first
17 is that the Friends of Blair Peach Committee is said to
18 be connected with the Socialist Workers Party and the
19 Anti-Nazi League. There is no elaboration as to what is
20 meant by that, or why it is said to be significant or to
21 justify intelligence-gathering. Both Celia Stubbs and
22 Blair Peach supported the SWP and the Anti-Nazi League,
23 but that does nothing to justify the gathering of
24 intelligence on the campaign for justice.

25 The second observation made by the Designated Lawyer

1 is that -- and I quote:

2 "The committee stated a number of public order
3 events which needed to be policed and which the police
4 needed to include in its reporting."

5 The Designated Lawyer then introduced for the first
6 time via hyperlinks video footage of a march that took
7 place in the aftermath of Blair Peach's death in 1979,
8 and of the funeral on 13 June 1979. Sir, we do not know
9 precisely the provenance of those videos. We are told
10 by the Designated Lawyer that enquiries were made with
11 the British Film Institute, who recently transferred old
12 video reels of the Metropolitan Police into a digital
13 format and made them available to the Designated Lawyer.
14 They were described by Mr Sanders KC yesterday as
15 a "random and ad hoc collection", but they were of
16 course a random and ad hoc collection as selected by the
17 Designated Lawyer.

18 Sir, if there are recent videos it would have been
19 more appropriate for the Inquiry to be made aware and
20 review and select them.

21 One video is of the procession to the funeral of
22 Blair Peach. It shows a woman in mourning being
23 presented with flowers. As might have been obvious,
24 that woman was Celia Stubbs. Until Friday just gone,
25 Celia Stubbs had never seen that footage and did not

1 know it existed. Sir, for individuals directly affected
2 by the subject of this Inquiry, closing submissions can
3 be an emotional and distressing time. To be presented
4 without warning of deeply personal footage came as
5 something of a shock to Celia Stubbs and it was
6 unfortunate that it was produced in that way. In
7 correspondence the Designated Lawyer has expressed that
8 it was sorry if Celia Stubbs was distressed by the
9 video, but we would invite a more fulsome apology.

10 For your purposes, Sir, what is the relevance of
11 these videos?

12 Firstly, the fact that there was a march and
13 a funeral procession in April and June 1979 respectively
14 does nothing to justify intelligence-gathering that
15 continued into the 1990s.

16 Second, whilst they were undoubtedly public order
17 events that required policing, there is no evidence at
18 all that undercover policing served any value in
19 policing them, neither is there any explanation as to
20 why undercover policing may have been necessary or even
21 helpful in doing so.

22 Third, Sir, they were entirely peaceful events.
23 The level of public concern at that time as to the
24 events of Southall and the death of Blair Peach was
25 significant. The atmosphere, Sir, was febrile. But

1 broadest sense a public order event, that was attended
2 by uniformed officers, but uniformed officers were
3 present peaceably and there was no need to also have
4 covert officers posing duplicitously as persons being
5 there in mourning.

6 Sir, if that, and the equally peaceful march of
7 28 April 1979, represents the high point of
8 justification for two decades of intelligence-gathering
9 on Celia Stubbs and the Blair Peach campaign, it
10 reveals, frankly, how vacuous the attempted
11 justification is.

12 And that video can be taken down. Thank you.

13 Sir, at paragraphs 59 and onwards of our written
14 submission we describe the effect of the undercover
15 policing targeted at Celia Stubbs and the Friends of
16 Blair Peach Committee. We say, in summary, Sir, that
17 there must be a negative impact on public confidence in
18 coming to learn that justice campaigns were targeted by
19 undercover officers, and at paragraph 62, Sir, of our
20 written submission, we record what Celia Stubbs said of
21 first receiving the disclosure:

22 "It was extremely upsetting to see this material and
23 to see how the police treated our actions and events
24 that were law abiding and were simply trying to get to
25 the truth of what happened. I was surprised by how

1 upset and angry I felt. It seems that they lost all
2 sense of the fact that Blair had been killed by police
3 officers and that our distress about this was
4 criminalised. It is hard to describe how violating this
5 is."

6 Sir, it's part of your terms of reference to examine
7 the effect upon individuals, and that should obviously
8 include the impact, as described, upon Celia Stubbs.

9 Sir, I turn, finally, to whether undercover policing
10 of Celia Stubbs and the Blair Peach campaign was
11 justified and lawful, and I have just a couple of
12 minutes left, Sir.

13 The only suggested justification for the SDS, from
14 its inception to this Inquiry, is that it was useful for
15 policing public disorder. That has also been the only
16 suggested justification in respect of targeting
17 Celia Stubbs and the campaign. Three submissions are
18 made in respect of the utility of the SDS to public
19 order policing and the issue of justification. First,
20 the evidence suggests that in fact its utility was
21 either negligible, or at its highest modest, not at
22 least as a great deal of information can be obtained
23 from open sources. And, Sir, we note the observations
24 you made yesterday as to the limited extent to which
25 intelligence-gathering actually contributed meaningfully

1 to any available threat assessment. Others in
2 the general group will make more detailed submissions on
3 that point, Sir.

4 It is evident, in respect of both Red Lion Square
5 and Southall, that information in advance was available
6 to the Metropolitan Police. In respect of Southall in
7 particular, the Special Branch report of 23 April 1979,
8 the day of the march, gives not a hint of anything
9 useful having come from the SDS, and we believe, Sir,
10 that that observation chimes with yours of yesterday.
11 Of course, obtaining information overtly and in
12 collaboration with the community and the groups
13 protesting would ultimately be far more consistent with
14 the approach of policing by consent, and in our written
15 submissions, Sir, we give you submissions that were made
16 by the Blair Peach campaign to that effect in that
17 period of time.

18 Second, Sir, we say that there must at least be
19 a suspicion that the SDS had in fact a harmful role in
20 policing disorder because it frustrated, or at least
21 failed to comply with processes seeking truth and
22 accountability when public order policing went wrong,
23 and there are, again, parallels between Red Lion Square
24 and Southall. Sir, there's more detail in our written
25 closing, but the short point is this. In respect of

1 both Red Lion Square and Southall, where public order
2 policing clearly went wrong, SDS reports appear to have
3 gone missing, for reasons which there has been no cogent
4 explanation.

5 There must also be concern, Sir, that important
6 information held by the SDS, and Special Branch more
7 generally, was concealed from both the Scarman Inquiry
8 and the inquest into Blair Peach's death. So for
9 example, HN301's account of being punched for no reason
10 at Red Lion Square was presumably not provided to
11 Lord Scarman, given Lord Scarman's finding. And
12 similarly, in respect of Blair Peach's death, HN41's
13 account of being smuggled into Scotland Yard to give
14 a statement to the murder squad indicates that there was
15 some awareness of the SDS presence, but that knowledge
16 and presence does not appear to have been revealed at
17 the inquest.

18 Third, Sir, and in a sense more fundamentally for
19 the purposes of your terms of reference, the targeting
20 of and intelligence-gathering in relation to
21 Celia Stubbs was not motivated by or concerned with
22 public disorder policing at all, it was, as we have
23 said, motivated by assisting the police in protecting
24 itself from criticism. If that is accepted, for
25 the reasons we have set out, then it follows that it was

1 unjustified. No Core Participant has suggested that
2 utilising undercover officers for the purposes of
3 protecting the police from criticism can possibly be
4 justified. That really, Sir, is the short answer, we
5 say, to the question of justification.

6 Sir, in general terms, there are two limbs to
7 the function and responsibilities of the police:
8 the positive obligation to act so as to preserve
9 the peace by enforcing the law of the land, and the
10 negative obligation to refrain from acting so as to
11 unjustifiably interfere with the rights of citizens.
12 The SDS generally, and in relation to Celia Stubbs and
13 the Blair Peach campaign, fundamentally failed in both
14 respects. By engaging in decades of covert
15 intelligence-gathering, it interfered with her right to
16 peacefully pursue justice, and it also failed to pursue,
17 or at least sought to frustrate, the positive obligation
18 to act so as to enforce the law.

19 Sir, I conclude with this remark. A public body
20 whose actions are examined in an inquiry need not
21 necessarily await factual findings to recognise
22 wrongdoing. That is recognised, to a point, by
23 the Metropolitan Police, which has made and repeated
24 apologies in respect of sexual relationships, deceased
25 children's identities, the disproportionate or

1 unnecessary recording of personal information, and use
2 of inappropriate language, and quite rightly so.

3 However, Sir, in the 94-page closing submission of
4 the Metropolitan Police, there is a complete silence in
5 respect of the intelligence gathered in respect of
6 Celia Stubbs and the Blair Peach campaign, and also
7 the ways in which views were expressed about
8 Celia Stubbs by Special Branch. The Metropolitan Police
9 certainly does not seek to justify it, but neither does
10 it acknowledge that it was wrong and nor does it
11 acknowledge the impact upon Celia Stubbs. We are
12 unclear as to why, but that is something to which the
13 Metropolitan Police may give consideration.

14 For our part, Sir, having reviewed the evidence
15 disclosed over the past three years, we say it is
16 unfortunate that no apology has been offered to
17 Celia Stubbs by the Metropolitan Police in relation to
18 their actions towards her over a period of two decades.

19 Sir, with that, and with an apology for running
20 slightly over, unless I can assist further.

21 THE CHAIRMAN: Thank you. No apology is required. I hope
22 that your last remarks are reflected upon and responded
23 to, but it will not be by me.

24 MR JACOBS: Understood, Sir. Thank you.

25 THE CHAIRMAN: Thank you.

1 (1.05 pm)

2 (The short adjournment)

3 (2.03 pm)

4 Closing statement on behalf of Category H Core Participants

5 by MS KILROY

6 THE CHAIRMAN: Ms Kilroy, I think you're on screen now and
7 we both are. You have submissions to make on behalf of
8 Category H and then two individual Core Participants.
9 My understanding is that you would like to make and
10 finish the Category H submission and then have a short
11 break.

12 MS KILROY: That's right. Thank you very much, Sir.

13 THE CHAIRMAN: Do please begin.

14 MS KILROY: Sir, the Category H Core Participants include
15 25 women who were deceived by undercover police officers
16 into intimate sexual relationships over a 50-year period
17 between 1968 and 2010 and a child of one of those
18 relationships.

19 In Tranche 1, that is the period between 1968 and
20 1982, the evidence strongly suggests that at least
21 11 women were deceived into sexual relationships by SDS
22 undercover officers or UCOs, and probably more. Eight
23 of those deceived women were deceived into sex by two
24 UCOs, Richard Clark and Vincent Harvey. It's already
25 clear that once the practice of UCOs entering into

1 sexual relationships to gather intelligence on public
2 order began, it did not stop. The practice spread and
3 solidified with UCOs adopting common tactics for
4 entering into, maintaining and extracting themselves
5 from relationships. Relationships got longer and became
6 more intense. Some UCOs even fathered children.

7 The MPS, the Metropolitan Police Service, now accept
8 that the use of sexual relationships by UCOs was wrong,
9 abusive and should not have occurred, but the evidence
10 shows that there was widespread knowledge within the SDS
11 of the risk of sexual relationships and that they were
12 occurring. The lack of any effective measures, together
13 with the persistence of the practice for almost
14 50 years, demonstrates that the use of sexual
15 relationships to gather intelligence was at least
16 tolerated.

17 Sir, the fact that police invasions of the most
18 fundamental right a person possesses, their bodily
19 autonomy, occurred so extensively and for so long
20 uncorrected also exposes deep flaws in the application
21 and implementation of the laws governing police conduct.
22 Neither the common law, nor the UK's international
23 obligations, nor the Human Rights Act, the HRA, nor the
24 introduction of the Regulation of Investigatory Powers
25 Act 2000, RIPA, prevented the Cat H CPs from being

1 abused by MPS officers. The long term MPS tolerance of
2 this deeply abusive practice, together with the fact
3 that the legal framework did not prevent it, raises, in
4 my submission, two important systemic issues for this
5 Inquiry. The first question is: why did no one in
6 the MPS take any steps for almost 50 years to stop
7 a practice which so many knew about and which the MPS
8 now accepts is abusive and wrong? And the second
9 question is: why didn't the law protect the Category H
10 CPs?

11 At the close of Tranche 1, having considered all the
12 evidence and the applicable law, the Category H CPs'
13 position on these two critical questions is as follows.
14 The reason why no one took any steps to stop UCOs from
15 using sexual relationships with women was because the
16 MPS was a deeply misogynist organisation. That is clear
17 both from the evidence of officers in this Inquiry and
18 from a report commissioned by the Metropolitan Police
19 Service Commissioner, Sir David McNee, towards the end
20 of the Tranche 1 period by the Policy Studies Institute
21 entitled "Police in Action". That 1983 PSI report,
22 which was sent to the then Home Secretary, Leon Brittan,
23 as well as to the MPS Commissioner himself, concluded
24 that the MPS was dominated by what the PSI report called
25 a "cult of masculinity". The report shows that police

1 officers in the MPS viewed female members of the public
2 with contempt. They saw them as sexual objects to be
3 joked about and derided. They boasted and fantasised by
4 having sex, sometimes violent sex, with women, including
5 vulnerable women, underage girls and victims of crime.
6 The evidence in this Inquiry shows that the SDS officers
7 deeply disrespected female members of groups, engaged in
8 gross and offensive banter about them and paid no regard
9 to the impact on them or their lives of undercover
10 officers' conduct. Sexual relationships were seen as
11 carrying risks to a UCO's private and family life, but
12 were otherwise recorded with jocularity and hilarity.
13 They were considered an inevitable consequence of UCO
14 operations, which could be tolerated as long as they did
15 not compromise the security of the SDS.

16 As for the law, it's the Category H CPs' position
17 that it was not itself deficient. The reason it did not
18 protect women was because the MPS did not consider it
19 necessary to follow it. Had the applicable law been
20 followed, it would have protected female members of
21 the public from the abuses inflicted upon them, because
22 none of the UCOs would ever have been sent on long term,
23 deep undercover deployments, which carried an inherent
24 risk of sexual relationships. The SDS's long-term
25 deployments necessarily involved torts such as trespass

1 to land and breach of confidence, and were deeply
2 intrusive of private lives. But there was no imminent
3 risk of serious crime, or any other pressing necessity.
4 That meant the deployments could not be justified. They
5 were unlawful, both at common law and under human rights
6 law, at all material times, including in the Tranche 1
7 era. The problem was therefore not the law itself,
8 the problem was that the MPS, including its most senior
9 officers and commissioners, did not consider it
10 necessary or desirable to comply with it.

11 Contemporary materials, including biographies
12 authorised by MPS commissioners and the Police in Action
13 report I've just referred to, together with the evidence
14 in this Inquiry, make clear that this attitude to
15 the law was pervasive throughout the MPS at the time.
16 Common law rules were treated as an impediment to
17 policing, which it was only necessary to comply with to
18 avoid civil actions for trespass, or to ensure that
19 criminal prosecutions did not fail. Human rights law
20 was not considered at all.

21 Since SDS work was treated as top secret, the MPS
22 never expected to face civil actions, or to give
23 evidence in a criminal court. In those circumstances,
24 they did not even think about whether what they were
25 doing was lawful. In other words, the abuse of the

1 Category H CPs in the T1 period and beyond is deeply
2 rooted in two pervasive features of the police
3 culture: contempt for women and disregard for the law.
4 The Category H CPs submit that these problems are so
5 endemic and so dangerous to public safety and the public
6 interest that root and branch reform of the police will
7 be needed to eradicate it. Changes to the legal
8 framework alone will not be sufficient to protect the
9 public.

10 Sir, the closing submissions of the three separate
11 police participants in this Inquiry, that is, first, the
12 MPS Commissioner, Mark Rowley, second,
13 the National Police Chiefs' Council headed by
14 Martin Hewett representing the interests of all
15 Chief Constables, and thirdly, the Designated Lawyers'
16 submissions on behalf of over 100 SDS officers confirm
17 precisely that disregard for the law. All these State
18 Participants have asked in inquiry not to address
19 the lawfulness of the actions of the SDS. They say this
20 question of lawfulness can and should only be considered
21 if and when a civil action is brought against them by
22 a number of the public. They say this is the effect of
23 section 2 of the Inquiries Act which prohibits the
24 Inquiry from ruling on any person's civil or criminal
25 liability.

1 The police's arguments about section 2 of
2 the Inquiries Act are wrong for the reasons set out in
3 Counsel to the Inquiry's submissions on that section and
4 on the law at paragraphs 2 to 21 and 78 to 80. As he
5 explains, by reference to the approach taken to our
6 inquiries, an assessment of legality is not a ruling on
7 individual liability. Even where conduct is unlawful,
8 this may not lead to a finding of liability. Legality
9 and liability are two distinct concepts. An assessment
10 of lawfulness will often be required in order to
11 discharge an inquiry's functions. That, in my
12 submission, is certainly true of this Inquiry. It not
13 only can but must assess the lawfulness of the SDS's
14 operations in the Tranche 1 period. It must do so
15 because otherwise it cannot discharge its terms of
16 reference. It cannot properly assess whether the SDS or
17 the NPOIU's operations were justified, whether the legal
18 and regulatory framework was adequate, what the impact
19 of the public was -- sorry, what the impact on the
20 public was, including the impact on their rights, or
21 what recommendations for change would be required unless
22 it reaches a view on whether those operations reached
23 the basic minimum standard of lawfulness, and if not,
24 why not.

25 Sir, the police's arguments to the contrary do not

1 make sense. Littered throughout their submissions is
2 the argument that save for the use of sexual
3 relationships, the operations were justified, according
4 to what they call "the standards of the day". But the
5 standards of the day include the legal standards.
6 The Inquiry cannot assess the police's submission unless
7 it has determined what those legal standards were and
8 whether they were complied with.

9 But the significance of the police submissions, as
10 I've already indicated, is far greater than just that
11 they are wrong in law. An assessment of legality is
12 what the MPS and the Home Office should have done in
13 advance of any UCO from the SDS setting foot in anyone's
14 premises, invading anyone's private life and taking
15 anyone's confidential information. It is the first duty
16 of any public authority in a society governed by
17 the rule of law to assess in advance of their actions
18 whether the way in which they propose to use their
19 powers is lawful and to refrain from that action if
20 the assessment is that the proposed use would be
21 unlawful. That is especially so when the powers they
22 intend to use are coercive and covert. There is no
23 evidence that the MPS ever discharged this basic duty of
24 every public authority, and having failed the public so
25 profoundly, they now suggest this exercise should never

1 be done, even by the public inquiry set up by the
2 Home Secretary to examine what has gone so badly wrong.

3 That is an untenable stance. It is also deeply
4 concerning. Compliance with the rule of law should be
5 deeply embedded in the police psyche. All the laws of
6 the land should be what the PSI report calls "working
7 rules", and every effort ought to be made to ensure
8 compliance with them, whether claims come to court or
9 not.

10 This is so far from the reality of police conduct
11 and culture that the MPS Commissioner, the NPCC,
12 together with the other 42 Chief Constables don't even
13 want to know what the law permits in terms of undercover
14 policing, let alone commit to comply with it.

15 I want to make a few other short points about
16 the police's late submissions on the law before I come
17 to the remainder of my closing.

18 Ten months ago, the Category H CPs addressed the
19 contemporary legal framework for police operations in
20 Tranche 1. I want to make clear at the outset that
21 there was nothing remotely novel or controversial about
22 the law which we set out there. The common law
23 principles and their application to the police have been
24 clear for centuries. They were clear even before *Entick*
25 *v Carrington*, over 250 years ago. Those English common

1 law authorities have always provided muscular protection
2 to people's homes and private possessions, their
3 confidential papers and views, especially from the
4 police. That powerful protection for the home is how
5 the common law ensures privacy and respect for family.
6 The mechanism is different to Article 8 of
7 the European Convention on Human Rights, but the
8 protection is equivalent.

9 Sir, this is all so well established that the words
10 of Chief Justice Sir Edward Coke in 1644 in
11 Semayne's Case which was a case concerning Sheriffs
12 seeking to execute a civil writ inside a person's home
13 have even entered the vernacular. His words, with some
14 modification through the ages, have become "an
15 Englishman's home is his castle". That ringing phrase
16 is the foundation of modern concepts of privacy and
17 protection against an overweening State. That is why
18 the category H CPs have stated that all sources of law
19 speak with one voice on the following three principles.

20 First, no general authorisation may be given to the
21 police or the Security Service to search individuals or
22 property for evidence of wrongdoing.

23 Second, police powers to trespass on land, property
24 and the person and to interfere with private and
25 personal lives will only be lawful where necessary and

1 proportionate to meet a pressing social need, such as
2 prevention or investigation of serious crime, or an
3 imminent breach of the peace.

4 And thirdly, the use of covert powers by the police
5 and the Security Service is a danger to democracy and is
6 therefore subject to a particularly strict necessity
7 test.

8 Sir, on those principles, there isn't even a sliver
9 of blue water between the common law and Article 8 of
10 the European Convention. Indeed, if anything,
11 the protection afforded by Article 8 is less because
12 a wider range of justifications can, in theory, be
13 relied upon to justify an interference with the home.

14 On 9 May last year, Sir, you invited the police
15 participants to respond to those submissions on the law.
16 For almost ten months, there has been stony silence.
17 But on 10 February 2023, as part of their written
18 closings, the three police legal teams and their three
19 separately instructed King's Counsels have produced what
20 is clearly a concerted position on the law.

21 First, they say the Category H submissions on
22 the law are novel and controversial, but that is
23 obviously wrong, for the reasons I've explained. These
24 solid precedents in English law apply to police as well
25 as the public. The principles do not become attenuated

1 just because the policemen take their uniforms off and
2 grow beards. They're not more relaxed for those who are
3 spying on protesters than those investigating serious
4 violent crimes. It is those seeking to commit trespass
5 or break confidences who must justify it. Unless the
6 MPS can point to special statutory powers permitting
7 them to break the law in public order cases or
8 undercover cases, which they can't, they are quite
9 simply bang to rights.

10 The police, at the highest levels, knew they were
11 trespassing when they tricked their way into people's
12 homes. MPS Commissioner Sir David McNee said as much in
13 his 1983 biography McNee's Law on pages 80 to 91. He
14 complained that the police had not been given the powers
15 that they needed to investigate crime and that they had
16 been expected to rely on the ignorance of the population
17 of their civil rights to do so. As he put it, many
18 police officers have learned to use methods bordering on
19 trickery or stealth in their investigations. They have
20 frequently risked civil actions when doing so, but until
21 the last decade, the number of civil actions brought
22 against police officers was extremely small. I consider
23 it quite wrong that police officers should be expected
24 by stealth or by force and at the risk of an action for
25 trespass to exercise necessary powers in the

1 investigation of crime.

2 He went on to describe how the increase in civil
3 actions meant that:

4 "It is now increasingly clear that the days when
5 investigating officers could expect to bluff their way
6 into obtaining consent to take body samples or enter
7 premises were numbered."

8 It is not correct therefore for Mr Sanders to say,
9 as he did yesterday, that trespass did not occur to
10 anyone before the Category H CPs raised it. It occurred
11 to the police commissioners at the time.

12 Second, the police say that they would run a number
13 of defences to any claim of trespass. They say that
14 police officers who could never obtain a warrant from
15 a court to enter property can evade all this ancient
16 protection that I've described this afternoon by simply
17 tricking their way into people's homes. Sir, this is
18 indeed a novel and controversial argument, but the novel
19 or controversy is all on the police side. It is clear
20 beyond argument that on the current state of the law,
21 those invited onto property for one purpose may not use
22 that licence for another. That is House of Lords
23 authority, *Hillen v ICI*. The sole case of *Byrne* relied
24 upon by all police legal teams is a first instance
25 authority doubted by many who have considered it since.

1 And even if it were a certain precedent, it would not
2 avail the police. The licence given by a cinema or
3 a shop to the general public is broad and general and
4 encompasses a wide range of purposes, or no particular
5 purpose at all. A private person's invitation into
6 their home, by contrast, is almost always targeted to
7 known and identified individuals and contains an
8 explicit or implicit purpose. Any deviation is
9 a trespass.

10 Sir, the police also suggest they would invite
11 the courts to develop new defences on public policy
12 grounds. They suggest that the courts, who have for
13 hundreds of years refused to develop such defences for
14 those investigating crimes such as murder and terrorism,
15 would be prepared to develop them for police officers
16 trying to discover how many people would attend
17 a political protest. Again, this is hopeless. If
18 the police want you, Sir, to recommend the law should
19 change to permit them to trick their way into private
20 homes when the courts would never grant them a warrant,
21 now is the time to say so. That is what this Inquiry is
22 for. But the current law of the 20th and early 21st
23 century is crystal clear. The SDS's operations
24 prima facie involved routine unjustifiable trespasses in
25 the Tranche 1 era, and in my submission, you should say

1 so.

2 The third argument mounted by the police is that
3 the SDS's operations were unjustified by modern
4 standards but justified by standards of the day. This
5 argument is squarely based on the erroneous submission
6 that the law in the Tranche 1 era did not protect
7 people's homes and privacy from the police prior to
8 the enactment of the Human Rights Act and RIPA. This
9 surprising submission is completely wrong, as I've
10 already explained. There will be many who will be
11 interested in the police's view that the only thing
12 standing between the British public and an East Germany
13 style police state is the Human Rights Act. But the
14 basis for this is false. The common law is more than
15 equivalent to the task as long as the police comply with
16 it.

17 Fourth, the police suggest that with the advent of
18 RIPA and the Human Rights Act, the severe intrusions of
19 the SDS Tranche 1 era would not have occurred.
20 The Home Office in their closing submissions this
21 morning have made a similar point, but these arguments
22 are wrong. The excesses of Mark Kennedy and his fellow
23 undercover officers in the NPOIU all postdated RIPA for
24 some ten years. They led the IPT, the Investigatory
25 Powers Tribunal, in the Kate Wilson case to conclude

1 that the MPS and the NPCC had violated almost every
2 right in the European Convention on Human Rights when
3 they spied on Kate Wilson. The problem is not
4 the content of the law, although of course there can
5 always be improvements. The primary problem is that
6 the MPS do not comply with the laws that exist unless
7 forced to do so by constant supervision and the threat
8 of legal proceedings.

9 Sir, I have produced a full written closing which
10 performs the following key tasks. It addresses, first,
11 the final state of the evidence about the SDS's
12 activities in this period and the knowledge and
13 responsibility of senior officers, ministers and
14 Government officials for those activities. It explores
15 how and why the SDS's serious breaches of key legal
16 principles were allowed to occur. It sets out the
17 conclusions, thirdly, that the Category H CPs draw on
18 the law and the evidence.

19 The written closing also examines the wider policing
20 context, and in particular the role of police culture in
21 the SDS's activities. I do not intend to address you
22 orally on everything in this written closing. I intend
23 instead to focus on three key areas of submission.

24 First, the police culture and policing context,
25 focusing especially on misogyny.

1 Second, evidence about the SDS's activities and in
2 particular knowledge of sexual relationships.

3 And finally, broad conclusions to be drawn.

4 Turning first to police culture and the policing
5 context.

6 The Tranche 1 era was an especially febrile era for
7 English policing as a whole. It's no exaggeration to
8 say there was a crisis of confidence in policing in the
9 1970s. The abuses and excesses of the SDS did not take
10 place in a vacuum. Policing in this period more
11 generally was characterised by deep rooted corruption,
12 serious miscarriages of justice resulting from police
13 wrongdoing and civil disturbances. Some of this became
14 public knowledge in the 1970s prompting widespread
15 public concern. There were, for example, major
16 corruption scandals relating to the actions of the MPS's
17 CID, Drugs Squad and Obscene Publications Squad.
18 The public were shocked to discover that so many police
19 officers were taking bribes and working in concert with
20 career criminals and that there was a systematic
21 institutionalised and widespread network of corruption,
22 the so-called "firm within a firm".

23 Another example which led ultimately to the
24 introduction of the Police and Criminal Evidence Act
25 1984 was the Maxwell Confit case in which three teenage

1 boys, including one with serious mental disabilities
2 were wrongly committed for murder after false
3 confessions. After their convictions were quashed in
4 1975 an official Inquiry, the Fisher Inquiry, found that
5 their rights had been violated by the police in
6 a variety of ways and evidence later emerged exonerating
7 them completely. As I've said, reforms followed some of
8 these scandals, and one of them was the Police and
9 Criminal Evidence Act, known as PACE.

10 There was other serious police wrongdoing in the
11 Tranche 1 era that emerged somewhat later, such as the
12 wrongful convictions of the Guildford Four and the
13 Birmingham Six. It's in this context, Sir, that the
14 misconduct of the SDS occurred, and it's my submission
15 that many of the problems which emerged into the public
16 domain decades ago, including the long series of
17 miscarriages of justice, had a similar cause to the
18 misconduct of the SDS, namely the police's long-standing
19 cultural tendency to view the common law, legal
20 parameters and legal rules as impediments to their
21 functions. As we will see, the Home Secretary at the
22 time recognised this problem when he introduced PACE to
23 Parliament in 1983, but unfortunately he did not
24 recognise its implications for the SDS.

25 Turning now to police culture.

1 As already indicated, it is the Category H CPs' case
2 that the cause of the abuses they have suffered lie
3 firmly in police culture and in particular in misogyny
4 and disrespect for the law. This is made clear by the
5 PSI report I've already mentioned. That report was
6 funded by the MPS and the City Parochial Foundation and
7 requested by Sir David McNee. The PSI researchers were
8 granted access to police officers at all levels in
9 the organisation and allowed to observe all kinds of
10 police work over two years, between 1980 and 1982. I'm
11 going to address three topics addressed by the
12 PSI report today: compliance with legal rules and
13 standards; attitudes to women; and wrongdoing by fellow
14 officers.

15 Legal rules and standards.

16 The PSI report explains that not all rules which
17 originate from the law are treated equally by the
18 police.

19 Rules can be divided into three types. Working
20 rules: these rules are internalised by police officers
21 to become guiding principles of their conduct. They are
22 guiding principles because the police believe it is
23 wrong to break those rules.

24 Secondly, inhibitory rules. Those are not
25 internalised but they do tend to discourage police

1 officers from behaving in certain ways in case they
2 should be caught.

3 And the third type is presentational rules, which
4 exist to give an acceptable appearance to the way that
5 police work is carried out.

6 These conclusions were accepted by the
7 Home Secretary Leon Brittan when introducing PACE to
8 Parliament in November 1983. He stated:

9 "Honourable Members will no doubt have seen recent
10 references in the press to a draft report on the
11 Metropolitan Police by the Policy Studies Institute.
12 That report, which is to be published very soon, makes
13 the point that rules and legal constraints are not by
14 themselves sufficient to ensure that powers are used
15 properly. I fully accept that merely having a proper
16 legal framework is not the whole answer, however that is
17 not a reason for not having such a framework."

18 Unfortunately, as we've already seen from
19 Sir David McNee's biography, the principles of common
20 law intended to protect citizens against intrusions into
21 their home and private lives fell into the category of
22 inhibitory rules rather than working rules. These
23 sentiments go a long way to explaining why no one in the
24 MPS seems to have given a second thought to the legality
25 of the SDS's practices. The principal concern of the

1 MPS's most senior officers was that they should not get
2 caught and they did not expect SDS officers to be caught
3 because of the secrecy of the work.

4 Sir, turning now to attitudes to women.

5 The PSI report describes police culture in the
6 relevant period in terms which are strikingly similar to
7 the conclusions of the Independent Office for Police
8 Conduct's Operation Hotton report about police officers
9 in Charing Cross station, 40 years later, in
10 February 2022. The report already corroborates
11 the evidence of HN304 "Graham Coates" in this Inquiry.
12 Key findings from the report are as follows:

13 "The dominant values of the Force are still in many
14 ways those of an all-male institution such as a rugby
15 club or boys' school.

16 "This shows itself in the emphasis placed on
17 masculine solidarity and on backing up other men in
18 the group, especially [especially] when they are in
19 the wrong.

20 "The stress on drinking as a test of manliness and
21 a basis of good fellowship, the importance given to
22 physical courage and the glamour attached to violence."

23 This set of attitudes amounts to a cult of
24 masculinity which has a strong influence on policemen's
25 behaviour towards women, towards victims of sexual

1 offences and towards sexual offenders. In groups of
2 policemen, bawdy talk about sex and women is expected.
3 Bawdy talk is described by the PSI report as a kind of
4 game among groups of men in which they play in their
5 imagination the role of a man triumphing over a woman.
6 For example, an older PC said that "in the old days",
7 women police constables, when they first arrived at
8 a police station, were always stamped "on the bare bum"
9 with the station rubber stamp. This fantasy neatly
10 symbolises three chief impulses: the treatment of
11 a woman as a thing, like a form to be filled in or
12 rubber stamped; the humiliation over women; and sexual
13 assault on her.

14 The report also describes how police officers tell
15 stories about sex. At one police station, the main
16 subject of jokes for a considerable time was a story
17 about two young police constables who were supposed to
18 have "had it for free" with a prostitute while working
19 a night shift in a Panda car. The report also records
20 that some constables take every opportunity to give
21 detailed accounts of rape cases.

22 The men involved in this kind of conversation
23 sometimes imply not only that the women probably enjoyed
24 the experience, but also that they would have liked to
25 have committed the offence themselves. For example,

1 a CID officer went to interview two teenaged girls, the
2 younger one aged 14, who alleged that they had been
3 sexually assaulted in the flat where they lived. He
4 came back saying that the girls had played the girls
5 along and that he found the two young girls very "tasty"
6 himself.

7 In another example given by the report, three
8 experienced constables engaged while on duty in a great
9 deal of conversation about sex in very gross language in
10 which the men were always conquerors and the women's
11 "slags" and "whores". There was extensive boasting
12 about drink and this talk about sex, women and drink was
13 interspersed with descriptions of violent incidents that
14 the PCs had witnessed, heard about or taken part in.

15 The report goes on to say that in the attitudes and
16 talk of the men, ideas about the limitations of women
17 specifically as police officers merge imperceptibly into
18 general views about the inferiority of women, which
19 again merge into sexual boasting and horse-playing.
20 Something of this mixture the report describes as being
21 caught in a single remark by an older constable, who
22 said that:

23 "A young girl will be no good in restraining
24 a violent man as long as she has a hole in her arse."

25 The report says that talk about women on this level

1 is pervasive among groups of men in the Met. Much of it
2 is much more lurid and extreme than the small example
3 which the report quotes.

4 These findings of the PSI report are echoed
5 elsewhere and we've set out references in the written
6 closing. Nor were these attitudes confined to the lower
7 ranks. Thus, in several places in his biography "In the
8 Office of Constable", Sir Robert Mark makes sexualised
9 and discriminatory remarks about women police officers
10 and displays nonchalance about police officers having
11 sex with women members of the public while on duty, and
12 I've given page numbers in the written closing.

13 Sir, publicly denigrated and sexualising women
14 police officers for "holes" or "splits in their arses"
15 seems to have been commonplace in the police for
16 decades. It is also recorded by an article chronicling
17 women police officers' experiences in the 1990s. One
18 women says:

19 "We were called split arses. Equally long lasting
20 was the practice of stamping women police officer's
21 bodies with a station stamp."

22 In a recent BBC news report, one of the victims of
23 police office and serial rapist David Carrick reports
24 this happening as late as 2004.

25 The report concludes that these attitudes had:

1 "... a strong influence on policemen's behaviour
2 towards women, towards victims of sexual offences and
3 towards sexual offenders."

4 The PSI report strongly corroborates of evidence of
5 HN314 "Graham Coates" about the prevalence of gross
6 sexual banter and undermines the evidence of those who
7 deny that it took place in the SDS. As Graham Coates
8 told you UCPI in his oral evidence, the:

9 "Nuts and bolts of the humour so-called were the
10 same."

11 And:

12 "It made precious little difference whether one was
13 a mainstream CID or uniform officer, or a Special Branch
14 officer."

15 He gave an example of this kind of banter which had
16 clearly stuck in his mind as particularly lurid. He
17 describes an officer saying of another officer's sexual
18 conduct with a female member of the public:

19 "He'll have made her bite the blankets again last
20 night."

21 These attitudes explain why, in my submission, many
22 officers felt no compunction when entering into
23 sexual relationships with women and did not feel the
24 need to report it to senior officers. As Vincent Harvey
25 explained, it was not of much importance. They also

1 help explain why managers did not even acknowledge the
2 adverse effect on women of relationships, or take any
3 meaningful steps to avert the risk of them, which they
4 acknowledged arose.

5 Moving on to wrongdoing by fellow officers.

6 Sir, part of the cult of masculinity described in
7 the PSI report is backing up others in the group.
8 The report states the solidarity among police officers
9 generally and particularly among small groups who work
10 together is extremely strong. The researchers were told
11 many times that an officer who had done something wrong
12 would almost always be backed up by other officers, even
13 if they didn't like him. By way of example of this
14 code, a uniformed sergeant in charge of a crime squad
15 was asked whether he would "shop" one of his mates who
16 had committed a serious assault on a prisoner. He said:

17 "No, I never would. If one of the boys working to
18 me had got himself into trouble I would get all of us
19 together and I would literally script him out of it.
20 I would write all the parts out and if we followed them
21 closely we couldn't be defeated, and believe me, I would
22 do it."

23 When asked if it was wrong for police officers to
24 get away assaulting prisoners, especially as this would
25 involve a conspiracy to cover up the evidence, he said:

1 "Oh yes, but when it was all over, I wouldn't want
2 anything to do with him."

3 The thinking was that internal justice administered
4 informally was far preferable to justice through the
5 machinery of the complaints and disciplinary system of
6 the Force, partly because the penalties imposed were
7 seen to be too severe and partly because discipline was
8 seen as something imposed from the outside which
9 threatened the group as a whole.

10 The report records that the officers who
11 investigated complaints accepted that police in the
12 lower ranks almost always back each other up and
13 normally tell lies. This powerful code, which enjoins
14 officers to back each other up in the face of external
15 examination, has been emphasised in multiple studies of
16 the police. It is a protective armour shielding the
17 Force as a whole from public knowledge of infractions.
18 The "them and us" outlook is characteristic of police
19 culture.

20 Sir, I want to turn now to evidence about the SDS's
21 activities.

22 As set out in the written closing, the evidence
23 shows this in the Tranche 1 era the SDS closely
24 monitored, recorded and influenced the lawful exercise
25 of fundamental democratic rights, including freedom of

1 expression and political thought, freedom of assembly
2 and political association. In doing so, undercover
3 officers entered private homes, infiltrated private and
4 family lives and invaded the personal and private
5 dealings of members of the public. They passed all the
6 information they gathered out, including highly
7 confidential information about people's private lives,
8 medical information and banking details. No one, either
9 in the SDS, the MPS or the Home Office, considered it
10 necessary to respect the common law and human rights of
11 individuals, and they did not consider the impact on
12 those rights of SDS activities. Instead, the
13 Home Office, MPS and SDS prioritised the secrecy and
14 security of SDS operations and the interests of the
15 police officers over all other concerns. There was
16 little or no guidance or training, the SDS's UCOs were
17 not subject to any meaningful internal or external
18 limits and controls, and there was no accountability in
19 any forum for the SDS's actions. The necessity for the
20 UCOs' deployment, or for the SDS as a whole, was never
21 properly considered.

22 Sir, I've set out in the written closing references
23 to and examples of the evidence which clearly support
24 each of these propositions. They are not in any real
25 dispute and I'm not going to repeat them today. But

1 I am going to spend some time describing the evidence
2 about sexual relationships. Some of this is disputed,
3 such as in relation to knowledge and awareness of
4 sexual relationships taking place. A detailed analysis
5 is in the written closing. I will highlight a few key
6 areas.

7 First, risk of sexual relationships.

8 There was an obvious risk of undercover officers in
9 long-term deployments entering into sexual
10 relationships. The MPS now accept that. Deployments of
11 between three to five years from 1974 onwards meant
12 sexual relationships would be expected of UCOs, and
13 without a girlfriend, UCOs would face questions about
14 why a young man seemingly had no interest in women.
15 The likelihood of a sexual relationship was increased
16 due to the amount of time UCOs spent undercover. Some
17 UCOs worked seven days a week for 14 hours a day and
18 worked for weeks at a time spending more time undercover
19 in their cover identity than in their own real identity.

20 Sexual relationships also offered a significant
21 tactical advantage for UCOs and the SDS, both in terms
22 of maintaining cover and obtaining more information.
23 Thus Counsel to the Inquiry has already referred to
24 this, "Richard Clark" is believed by "Mary" to have used
25 sex as a way of consolidating his history and to cement

1 his reputation. She said:

2 "He was using it to get closer to us as a group of
3 activists and it had the effect of allaying early
4 suspicions about him in the tight knit group".

5 HN354, Vincent Harvey, said of his relationship with
6 "Madeleine" that:

7 "It's a sign that you're living a more normal life.
8 It would dispel suspicion."

9 HN106, "Barry Tompkins" said:

10 "It was helpful for my cover for people to think
11 I had a girlfriend."

12 HN304, "Graham Coates" explained that an individual
13 in a sexual relationship with an activist is far more
14 likely to be in a position to obtain valuable
15 information.

16 Not only was there an obvious risk of sexual
17 relationships, but it is clear that deceitful
18 relationships did occur. The passage of time since the
19 T1 period, the fact that some potential witnesses are
20 deceased and the powerful code which enjoins officers to
21 back each other up in the face of external examination
22 means it is not possible for the Inquiry to be certain
23 it has a full picture of what occurred.

24 It is clear, however, that several UCOs in this
25 period did have sexual relationships with women in their

1 undercover identities. There's no dispute that
2 Vincent Harvey had sexual relationships, because he has
3 admitted four. One of those women has given evidence.
4 That's "Madeleine", and I will be giving her closing
5 shortly. Her evidence about the extent of the
6 relationship differs sharply from his.

7 There's equally no dispute that HN21 had a sexual
8 relationship, because he too has admitted it. His
9 original admission of two relationships has changed to
10 one, however, and it's not possible to corroborate his
11 account of the relationship or its extent, because the
12 woman or women have not given evidence.

13 HN302 has also admitted to a sexual relationship,
14 which he also claims was short-lived, but the woman
15 involved has not been contacted to give evidence.

16 HN155, "Phil Cooper", has admitted dalliances and
17 liaisons to his risk assessors, but has subsequently
18 denied that he was admitting sexual relationships,
19 claiming his comments had been misinterpreted and the
20 interviews rushed. The risk assessors, in their oral
21 evidence, have insisted their record of the interviews
22 was accurate.

23 The evidence also strongly suggests that Rick Clark,
24 who is now deceased, had at least one and most likely
25 several sexual relationships when undercover. One of

1 the women, "Mary", has given evidence about
2 a relationship with him, and has also stated that her
3 flatmate had a similar experience. Richard Chessum's
4 evidence is that Rick Clark had sexual relationships
5 with at least four women, and other officers have also
6 given evidence that they heard about his relationships
7 directly from him or via rumours.

8 There's also strong evidence that HN300,
9 "Jim Pickford", had a romantic and probably sexual
10 relationship with an activist in his cover identity
11 which led to his deployment being terminated and to the
12 end of his marriage.

13 HN106, "Barry Tompkins", was believed by the
14 Security Services and SDS managers to have bedded one
15 woman and was thought by activists to be in
16 a relationship with a second woman known as "Barry's
17 girlfriend". He denies being in a sexual relationship
18 with either, but he admits a very close personal
19 relationship with the woman thought to be his
20 girlfriend.

21 There is a dispute as to whether HN126, "Paul Gray",
22 had a sexual relationship with Ros Gardner, who's
23 deceased. Her fellow activist, Neil Hardy, has provided
24 evidence suggesting that he did, but he has denied it.

25 It is the Category H CPs' case that the evidence

1 shows that between 1974 and 1982, out of a total of 23
2 UCOs, five of whom are deceased so they could not give
3 evidence to the Inquiry, at least six UCOs had one or
4 more sexual relationships with female members of the
5 public in their undercover identity. A further, seventh
6 UCO, "Barry Tompkins", had an intimate romantic
7 relationship with a female member of the public which
8 may well have been sexual and was perceived as serious
9 by both the woman involved and their circle of
10 acquaintances.

11 As for the rest, given the lacunae in the evidential
12 picture it's not possible to be sure whether any of the
13 remaining 16 UCOs, five of whom are dead, had sexual
14 relationships with a female member of the public, but
15 it's likely that some of them did.

16 Sir, the Designated Lawyers have asked you to draw
17 a distinction between one-night stands and longer
18 sexual relationships. I urge you not to do that, at
19 least in this T1 era. That is because the claims of
20 one-night stands are entirely uncorroborated. They may
21 not be true, and that may not be how they were viewed by
22 the women concerned. The only woman who has been able
23 to give evidence in relation to such a claim has
24 strongly denied it. That is "Madeleine", in relation to
25 Vincent Harvey.

1 Moving on now to wider knowledge of sexual
2 relationships by managers and others.

3 The evidence shows that the risk that undercover
4 officers would enter into sexual relationships was
5 widely understood by undercover officers and managers at
6 the time. It was also widely known that such
7 relationships were likely to be taking place even if
8 undercover officers and managers did not know about
9 specific relationships. Richard Clark's sexual
10 relationships, as I've already mentioned, became the
11 subject of widespread knowledge in the SDS after his
12 undercover identity was exposed as false in 1976 and he
13 had to be withdrawn from deployment, and a number of
14 UCOs and managers also came to know about HN300
15 "Jim Pickford's" withdrawal from deployment in 1976
16 after he fell in love with a female member of the
17 public, who he later married.

18 Sir, there are three managers who have acknowledged
19 knowing about the risk of relationships:
20 Superintendent David Bicknell, Detective Inspector
21 Angus McIntosh and Chief Inspector Trevor Butler. In
22 addition to those acknowledgments, there's evidence that
23 Chief Inspector Mike Ferguson, who is deceased, also
24 knew of the risk, because Angus McIntosh said that he
25 did.

1 Nor was the risk known only in the abstract. In
2 oral and written testimony, "Graham Coates" said that
3 there were jokey remarks made in SDS meetings about
4 sexual encounters with women whilst undercover,
5 including some of a gross kind, such as the one that
6 I have mentioned already, and he also said that jokes
7 about Richard Clark and his sexual activities were
8 common in the safe house with SDS managers' knowledge.
9 Those comments in the safe house in the 1979 period left
10 him in no doubt that the management were aware of
11 Rick Clark's behaviour. In oral evidence
12 "Graham Coates" stated he was confident that the
13 contemporary management of SDS Chief Inspector
14 Derek Kneale, Inspector and Chief Inspector
15 Geoffrey Craft, Sergeant HN368, were aware of those
16 jokes about Rick Clark's sexual relationships. He also
17 said that he believed Angus McIntosh would have been
18 aware, as he joined the SDS in 1976, shortly before
19 Rick Clark was compromised.

20 The Category H CPs submit that "Graham Coates'" oral
21 and written testimony is honest, candid, consistent and
22 plausible and in keeping with the findings of the
23 contemporary PSI report. It's also supported by the
24 following evidence.

25 Rick Clark openly boasted about his sexual exploits

1 to other undercover officers. He had an established
2 reputation as a womaniser. An officer in closed has
3 described how it became common knowledge that Rick Clark
4 had engaged in sexual relationships leading to his
5 compromise in 1976. When asked about managers'
6 knowledge, he said:

7 "I wouldn't know if they knew or if it was just
8 a rank and file thing. I should imagine that some of
9 them did."

10 When "Paul Gray" joined the SDS in October 1977, he
11 raised concerns about the use of a deceased child's
12 identity after Rick Clark's compromise. He was
13 reassured by SDS management, he said, that he would not
14 be compromised in a similar way, because Rick Clark's
15 sexual relationships had been the cause. The detective
16 inspectors and chief inspectors in post at that time
17 were Geoffrey Craft, Angus McIntosh and Kenneth Pryde.
18 Among those managers, as Angus McIntosh accepted, there
19 were no secrets professionally.

20 Finally, Sir, the Rick Clark matter became infamous
21 and was documented in the SDS Tradecraft Manual. It is
22 implausible that an event so notorious was known to UCOS
23 but unknown to managers who had to deal with the
24 fall-out in real-time.

25 In the same year as the Rick Clark matter, as I've

1 already indicated, "Jim Pickford" was withdrawn from
2 deployment. He had confessed to his UCO colleague that
3 he'd fallen in love. That colleague reported the matter
4 to the office and that colleague has also given evidence
5 that Angus McIntosh met the undercover officer in the
6 pub. The premature withdrawal of "Jim Pickford" was the
7 second significant withdrawal in the SDS within three
8 months and must have been a matter of considerable note.

9 There are also minutes from a meeting between the
10 Security Services and the SDS from 29 June 1981, which
11 confirm that Chief Inspector Dave Short was aware that
12 "Barry Tompkins" had probably bedded an activist. At
13 the time, Geoffrey Craft was chief superintendent of
14 S Squad with responsibility for the SDS. All of this
15 indicates wide knowledge.

16 Notwithstanding all this evidence, several SDS
17 managers have denied they were aware of the risk of
18 sexual relationships and have also denied that they were
19 aware of actual or suspected relationships of
20 Rick Clark, "Jim Pickford" and "Barry Tompkins".

21 The Category H CPs submit that these denials don't
22 withstand scrutiny. Given that the risk of
23 sexual relationships is obvious and inherent, it is
24 simply not plausible that some UCOs and managers in
25 a position of responsibility, like Angus McIntosh and

1 Michael Ferguson, were aware of that risk, and some,
2 like Geoffrey Craft and Barry Moss, were not.
3 Geoffrey Craft's denials of awareness are particularly
4 implausible because they involve accepting that an
5 inspector, who was for a whole year directly answerable
6 to him, Angus McIntosh, and a Detective Chief Inspector,
7 who took over his role shortly after Geoffrey Craft
8 relinquished it -- that's Michael Ferguson -- were both
9 aware of or involved in discussions about the issue of
10 girlfriends, but he was wholly unaware of them.

11 There are a number of other seriously problematic
12 aspects of the evidence of senior managers,
13 Geoffrey Craft and Angus McIntosh, including their claim
14 that they do not recall serving alongside each other for
15 a year between 1976 and 1977, even though the evidence
16 shows beyond doubt that this is what occurred. I've
17 addressed this in the written closing and do not repeat
18 it here, save to say that these claims, alongside both
19 men's evidence that they were unaware of the widespread
20 common understanding in the SDS that Rick Clark's sexual
21 relationships led to his compromise, and their evidence
22 that they also denied know why "Jim Pickford" was
23 withdrawn, are incredible; they should be rejected.

24 As for Trevor Butler and Barry Moss, both men took
25 over management of the SDS in 1979 and 1980, and for the

1 reasons set out above, they cannot have been ignorant of
2 the obvious risk of sexual relationships, or kept in the
3 dark about the scandalous events of 1976 which showed
4 that the risk was not merely theoretical.

5 Trevor Butler, furthermore, is very likely to have been
6 aware of the Security Services' recorded belief that
7 "Barry Tompkins" had bedded an activist, because he was
8 chief inspector of the SDS at the time and
9 "Barry Tompkins" recalls a conversation with him
10 notwithstanding Butler's denials.

11 No meaningful steps were taken to combat the known
12 risk of sexual relationships, even after Rick Clark and
13 "Jim Pickford" were withdrawn in 1976. There was no
14 evidence of guidance or training to officers to avoid
15 sexual relationships, nor were any other measures taken.
16 Undercover officers were not advised or provided any
17 guidance about avoiding sexual relationships while
18 undercover. At best, they were advised euphemistically
19 to be careful and take precautions. SDS managers have
20 confirmed that they did not give officers advice about
21 sexual relationships while undercover. Barry Moss said
22 it might have been a good idea, but he did not give
23 advice on how to avoid sexual contact. Geoffrey Craft
24 appeared unable to even conceptualise what such guidance
25 would have looked like. When he was asked about how to

1 prevent officers engaging in sexual relationships, he
2 said:

3 "All I can say is that perhaps one -- it needs to be
4 emphasised regularly before it starts and also regularly
5 while the operation is continuing, because I don't think
6 there is any way of preventing it, because these things
7 happen, but it is a problem."

8 Angus McIntosh said:

9 "I would have thought that if they were having
10 a problem with this particular aspect, they would
11 approach either myself or the DCI to discuss the problem
12 and the way forward."

13 In addition to the lack of guidance, there was no
14 support to develop cover backgrounds and legends which
15 might alleviate the risk of sexual relationships. In
16 practice, undercover officers chose their cover
17 identities alone, without assistance. Trevor Butler
18 said that he did not consider providing cover
19 girlfriends to his officers.

20 Angus McIntosh gave evidence that there were
21 discussions within the SDS about how to deflect
22 suspicion about UCOs not being in a sexual relationship
23 with a member of the group. There is a restriction
24 order covering the content of these discussions, but in
25 oral evidence they were described as responsive

1 to "the crisis at the time".

2 Sir, there were also no meaningful sanctions once
3 sexual relationships occurred. In relation to
4 "Jim Pickford", Angus McIntosh said:

5 "The matter would have been reported all the way
6 up."

7 But he did not know if disciplinary action would
8 have been taken.

9 He said:

10 "All the circumstances would have to be considered."

11 And:

12 "It could have happened. The senior management may
13 have felt the circumstances were such that it wouldn't
14 be a discipline."

15 Geoffrey Craft suggested it may not be possible to
16 discipline an SDS officer to avoid compromise of the
17 SDS. When asked by you, Sir, if Rick Clark would have
18 been considered for disciplinary action if his sexual
19 relationships became known, he said:

20 "The only caveat on that, Sir, is bearing in mind
21 his rights, who there be a discipline board, what would
22 he have said, what might have been published. We were
23 operating in a top secret area and I can't honestly say
24 what decision would have been made about that."

25 A similar remark was made by Barry Moss, and

1 Trevor Butler said that he didn't know if there would be
2 disciplinary action, as it was above his pay grade.

3 Sir, I want to turn to conclusions.

4 The Category H Core Participants reiterate their
5 position as set out in their opening statement for
6 phase 3 and the accompanying legal framework. They
7 submit that the use of undercover policing by the SDS
8 was unjustified, unlawful and profoundly
9 anti-democratic. It seriously violated fundamental
10 right at common law and human rights law. Both common
11 law and human rights law contain strong protections for
12 people against State interferences with their homes and
13 for their fundamental democratic right to protest and
14 join political groups, and I've set out the law in the
15 legal framework and in those submissions.

16 Sir, the need to maintain public order at
17 demonstrations could not justify the inroads into
18 democratic values and private common law rights caused
19 by extensive undercover surveillance. There is no case
20 which comes close to suggesting invasive powers like
21 these could be used to police public order more
22 effectively. Even where crime is concerned, the common
23 law does not permit police officers to ransack anyone's
24 house, or to search for papers or articles therein,
25 simply to see if he may have committed some crime or

1 other. Nor does the common law permit untargeted
2 indiscriminate searches. The courts have said the
3 aversion to general warrants is one of the basic
4 principles on which the law of the UK is founded.

5 Nor can interferences be justified because the
6 intelligence gathered by SDS UCOs were shared with the
7 Security Service. As Counsel to the Inquiry has
8 explained, the activities of those spied on did not even
9 meet the definition of subversion, let alone pose any
10 kind of imminent risk.

11 The Category H CPs considered that the MPS's
12 interferences with fundamental common law and human
13 rights were particularly serious and dangerous because
14 they opened the gateway to sexual abuse of them. When
15 they unlawfully entered people's homes and private
16 lives, the MPS took the misogyny which corrupted the
17 entire organisation and transported it directly into the
18 private homes and private lives of women. These were
19 women who were entitled to believe they were safe in
20 their homes and private circles of friends and
21 acquaintances. They were entitled to believe that their
22 homes were their castles and that in a potentially
23 dangerous world they were making autonomous choices
24 about who to invite into their lives and private spaces,
25 who to trust. In reality, the MPS was making that

1 choice for them, and instead of choosing officers who
2 would respect the women they encountered, and instead of
3 taking all necessary precautions to counter the obvious
4 risk of sexual relationships, both the MPS and the men
5 sent into their lives had contempt for them. These men
6 were nurtured in a cult of masculinity in which women
7 were "slags" or "split arses" and police officers were
8 sexual conquerors triumphing over women. Gross language
9 was commonplace. Some were notorious womanisers.
10 The attitudes of senior officers were little better.

11 Further, to this day, many of those responsible for
12 the SDS in Tranche 1 do not accept that any wrongs were
13 done to the women with whom UCOs had sex. They've given
14 evidence making plain they do not accept it is abusive
15 for the police to use sex with women to assist them to
16 gather information.

17 In these circumstances, it is no surprise that
18 neither UCOs nor senior officers inside or outside the
19 SDS paid any regard to the dignity or bodily autonomy of
20 the women they spied on. It is no surprise that no
21 meaningful steps were taken to avert the obvious risk of
22 sexual relationships, either before it first
23 materialised, or after it became clear that they were
24 taking place. It is no surprise that women were used
25 casually by UCOs according to their personal

1 preferential preferences or the perceived exigencies of
2 their deployment in order to gain cover, gain access or
3 obtain information, and it is no surprise that after
4 being used, these women were the subject of bawdy talk
5 or gross banter among UCOs in the hearing of senior
6 officers, who tolerated it and turned a blind eye. It
7 is no surprise because this was part of police culture.

8 The Category H CPs do not consider it remotely
9 plausible that the manifestly obvious risk of sexual
10 relationships was known to and considered by only junior
11 police officers and their immediate superiors in
12 the SDS. Any police officer, official or minister who
13 knew that officers were being sent undercover with false
14 identities and cover addresses for four years at a time
15 knew about that risk and they must also have known that
16 no meaningful steps were being taken to meet it.

17 Finally, the Category H CPs wish to address the
18 attitudes of the MPS to the public and to this Inquiry.
19 As explained above, despite all the allowances made for
20 them, including evidence in closed, protection of their
21 real identities and the Attorney General's immunity,
22 some police officers, including senior officers, have
23 not told the whole truth to this Inquiry. They have
24 continued to prioritise the powerful code of backing
25 each other up over the right of this Inquiry, and

1 ultimately the public, to discover the truth about what
2 went wrong with the SDS in Tranche 1. The "them and us"
3 culture of the MPS pitting internal police interests
4 against the public they are supposed to serve is deeply
5 corrosive. It is the antithesis of the Peelian
6 principles and in particular the antithesis of
7 the principle that the police are the public and the
8 public are the police. The public expected and had the
9 right to expect that the police would uphold law and
10 order and the values of truth, integrity and honesty
11 which underpin law and order, just as they, the public,
12 are expected to do. In the Tranche 1 era, the police
13 undermined these values and betrayed the public trust.

14 The public now have the right to expect the MPS will
15 tell this Inquiry the whole truth. Not all have done
16 so. That is deeply disappointing.

17 The Category H CPs consider that the endemic
18 misogyny in the MPS, the culture of "them and us" and
19 the culture of law-breaking has to be eradicated for
20 the safety of the public. As the crimes of
21 David Carrick and Wayne Couzens have shown, these
22 attitudes and the tolerance of this from the MPS have
23 horrific consequences for women. They can literally be
24 a matter of life and death. They hope and trust that
25 the Inquiry will recommend that the long overdue process

1 of eradication will be prioritised and urgently
2 progressed.

3 THE CHAIRMAN: Thank you very much. As you have in fact
4 stuck precisely to your timetable for your first
5 submission, I hope that you would now like to have
6 the ten-minute break which the timetable affords you.

7 MS KILROY: I would. Thank you very much.

8 THE CHAIRMAN: Good, thank you.

9 (3.12 pm)

10 (A short break)

11 Closing statement on behalf of "Madeleine" and Diane
12 Langford by MS KILROY

13 MS KILROY: "Madeleine" has read and adopts in full
14 the closing of the Category H CPs, without repeating it.
15 That closing is of particular relevance to her. She is
16 one of the women with whom UCOs with whom
17 undercover officers in the Tranche 1 period are known to
18 have deceitful sexual relationships. Due to
19 difficulties in tracing and contacting other women, or
20 because they are deceased, she is one of only two women
21 who has given evidence about sexual relationships in
22 Tranche 1. She submits that her experiences exemplify
23 many of the themes in the Category H closing, including
24 the deep intrusions into homes and private lives to
25 which law-abiding members of the public like her, her

1 family and her friends were exposed as a result of
2 the SDS's unlawful and unjustified operations, the risks
3 and dangers to which women were exposed,
4 the consequences for women of the cult of masculinity
5 which I've just been talking about and which was
6 identified in the PSI report, and the limited
7 reliability of some police officers' evidence due to
8 the powerful code of backing each other up. She says
9 all those factors are present in her case. In this
10 closing, I'm going to describe those experiences and the
11 conclusions that she draws from them.

12 She has given two witness statements and she's also
13 given oral evidence in which she has detailed the
14 political activism which began in her early teens and
15 continued into her 20s inspired by her parent's
16 experience of extreme poverty and of war and their
17 strong anti-fascism. She's also explained the anti-war,
18 anti-fascist and anti-capitalist beliefs which led to
19 her joining the International Socialists and later the
20 Socialist Workers Party at 14 or 15 years old in order
21 to create a fairer and more equal society. She has told
22 how, as a bus conductor in her 20s, she was a trade
23 unionist in the Transport and General Workers' Union,
24 sitting on a regional women's subcommittee. Following
25 that, her political activism waned and she retrained as

1 an artist, teaching in schools and community groups.

2 It is plain from her evidence and from that of
3 the UCOs who spied on her that "Madeleine" has never
4 been involved in any violence, was never arrested and
5 never convicted for a criminal offence. Despite this,
6 the evidence shows, and the Counsel to the Inquiry
7 mentioned this yesterday, that in 1970, when still
8 a child of 16, "Madeleine" had a Special Branch Registry
9 file.

10 Vincent Harvey, alias "Vince Miller", cipher HN354,
11 was deployed into the SDS from late 1976 or early 1977
12 until 1979. He infiltrated the SWP, Socialist Workers
13 Party, Walthamstow branch. He has provided the Inquiry
14 with two written statements and oral evidence in open.
15 Vincent Harvey was friends with Rick Clark and HN21,
16 both of whom had sexual relationships in their cover
17 identities.

18 In 1977, by the time "Madeleine" was aged 23,
19 Vincent Harvey was infiltrating her home and private
20 life in his covert identity. For the next two years,
21 while frequently attending public SWP meetings and
22 private gatherings at her home, Harvey produced regular
23 secret reports relating to her and others which were
24 shared with the Security Service. The reports included
25 physical descriptions of her and details about her

1 family relationships, her political beliefs and her
2 occupation.

3 In 1979, by the time "Madeleine" was 25,
4 "Vince Miller", as he was known, started
5 a sexual relationship with her which lasted around two
6 months. The relationship had a deep emotional impact on
7 her for some time. It is one of four sexual
8 relationships he has admitted to while undercover.

9 After he was withdrawn from his deployment in the
10 autumn of 1979, pretending to have gone to the USA,
11 Harvey went on to assume senior roles in the Police
12 Force, including leading Operation Pragada, an
13 investigation into child abuse at Lambeth Children's
14 Services and becoming national director of the National
15 Crime Intelligence Service.

16 In relation to the operations of the SDS,
17 "Madeleine" relies on the evidence summarised in the
18 Category H written closing at paragraphs 47 to 74 and
19 she adds the following about the evidence specific to
20 the deployment of Vincent Harvey. Vincent Harvey had
21 not been tasked to infiltrate either the SWP or
22 the branches "Madeleine" was a member of, or "Madeleine"
23 herself. He was asked to observe and then become
24 involved in an active subversive group that was of
25 interest to Special Branch. He chose the targets of his

1 operation himself and used his own judgment about what
2 to report. His role was to gather both information and
3 intelligence regarding potential public order problems
4 and activities defined as subversive by the
5 Security Service. He wasn't provided with any other
6 information about the intended targets of his work.

7 Harvey's tasking was not changed or refined at any
8 point during his three-year deployment. He worked seven
9 days a week, 14 hours a day and earned substantial
10 overtime. Harvey viewed his position as treasurer of
11 SWP committees and branches as a fantastic opportunity
12 and he used this position of trust to gather financial
13 information on members, including bank details,
14 addresses, occupations and living arrangements. He then
15 reported this information to the SDS expecting that it
16 would be of use to the Security Service. He also
17 reported information about children, because the SWP had
18 youth movements and he considered the information
19 important to Special Branch and the Security Service.

20 The SWP branches that "Madeleine" was involved with
21 engaged in entirely open and lawful political activities
22 whose central aim was to create a fairer society. They
23 held weekly public meetings, they sold newspapers in
24 public, they attended demonstrations in public and some
25 members joined trade unions. "Madeleine" has made plain

1 that neither she nor her fellow members supported
2 violence in any shape or form and that they were
3 strongly opposed to any form of terrorism.

4 Julia Poynter, who was a fellow SWP activist in the same
5 group, has confirmed this in her written evidence.

6 Vincent Harvey himself explained that a general strike
7 rather than violence was the mechanism envisaged by
8 the SWP for achieving change, although he said street
9 violence was permissible against the fascists, and he
10 agreed that acts of individual violence were positively
11 discouraged by the SWP. He explains that, even when
12 attacked by the National Front, few SWP members would
13 engage in violence.

14 The evidence suggest that disorder and violence
15 involving the SWP when it occurred was instigated by
16 the National Front, took place at events organised by
17 them and was therefore predictable. Where violence was
18 envisaged in self-defence against the National Front,
19 there was often a great deal of rhetoric and language
20 that was much stronger than action that followed, in his
21 words.

22 "Madeleine" and her fellow SWP members did not
23 believe the revolution was imminent and did not think
24 they could overthrow any part of the State. In terms of
25 a revolution, there was an awful lot talked about and

1 very little action in that direction. They were far
2 more interested in building the working class movement
3 and sought instead to raise awareness in the working
4 class and build a mass movement through their
5 campaigning activities, including selling papers,
6 trade union activities and protests.

7 Much of the benefit of SDS intelligence was
8 cumulative rather than related to individuals. It was
9 confirmation of an absence of risk rather than
10 a presence of risk, and it was said to have permitted
11 accurate deployment of police resources at
12 demonstrations.

13 Vince Harvey had several sexual relationships, as
14 I've already mentioned. He said he was in a long term
15 relationship when he was deployed and that the
16 relationship ended during his time with the SDS, but he
17 nonetheless said he had four sexual encounters with four
18 different women, "Madeleine", a member of SWP and two
19 women who were not members of SWP but were what he
20 called "friends of friends". He initially said that
21 these were all some time after he'd split up with his
22 previous long term partner but was not sure of the
23 timing of these encounters and he said his memory of
24 that time is not that clear. He later accepted that two
25 sexual encounters took place at the start of his

1 deployment when he was still in a relationship.

2 Harvey met "Madeleine" in 1977 and regularly visited
3 her house after meetings. "Madeleine" recalls their
4 sexual relationship beginning probably at the end of
5 summer '79 and continuing for two months. He initiated
6 a relationship during a party. He told "Madeleine" that
7 he had had his heart broken by his former fiancé and as
8 a result he had closed down emotionally and kept women
9 at arm's length and he had a difficult childhood.

10 "Madeleine" said these stories elicited feelings of
11 sympathy from her. She recalled him leaving in the
12 early hours of the morning as a pattern of behaviour.
13 Her flatmates knew and everybody knew that there was
14 something going on between them. Her feelings grew
15 stronger and she hoped that they would become a couple,
16 but he started to withdraw, blaming the past traumatic
17 relationship. Soon afterwards, he disappeared
18 altogether, claiming to have left for the USA. She was
19 very upset.

20 "Madeleine's" account is corroborated by
21 Julia Poynter and also an entry from a friend's diary
22 which refers to Vincent Harvey as "Madeleine"'s
23 "ex-lover". This is a contemporaneous diary.

24 Harvey's recollection is that he had sex with
25 "Madeleine" only once. He was single "and in my 20s at

1 the time", had to mingle and network socially and
2 consume alcohol in order to maintain his cover. He, as
3 he described it, was leading a strange double life and
4 did not think he was putting anyone's feelings at risk.
5 As a single man in his 20s, he said, it would have
6 appeared odd to have acted otherwise and people would
7 expect you to have some kind of relationship.
8 A "byproduct" as he put it, of his relationship with
9 "Madeleine" was that it discouraged advances from a gay
10 man who was becoming persistent.

11 Vincent Harvey said that he did not use stories he
12 told "Madeleine" about his background as a ploy but as
13 a cover story for protection. He did not think about
14 the effect it might have on women. He said that the
15 idea of sending a postcard postmarked from the USA after
16 he left his deployment was a supervisor's idea and not
17 his own. He also said he did not tell his colleagues or
18 managers or anyone else about the one-night stands he
19 had, because he didn't attribute it much importance and
20 he finds it very difficult to answer whether sexual
21 activity in his cover identity was permitted. He does
22 not recall guidance for sexual relationships and
23 suspects it was left to his own judgment how far to
24 become involved in the private lives of those he met
25 undercover, although he does say that HN34 -- that's

1 Geoffrey Craft -- told him not to start a relationship
2 with Julia Poynter. He accepts it was morally
3 questionable for him to have had a relationship with
4 a member of the public and that "Madeleine" would not
5 have had a sexual relationship with him had she known
6 that he was an undercover police officer. "Madeleine"
7 has confirmed she would never have done so.

8 He says that stricter guidance and firmer
9 supervision would probably have led to him making
10 different decisions on sexual relationships.

11 Vincent Harvey also says he didn't use contraception
12 with "Madeleine":

13 "Because my perception was as a full socialist
14 supporter then if there was any need for protection, she
15 would have mentioned it. This was a member of the
16 women's movement and things like that."

17 He also did not use contraception with the other
18 three women he had sex with for the same reason. He did
19 not accept when he gave evidence that "Madeleine" was
20 betrayed, vulnerable and disgusted by his actions. He
21 said that:

22 "I think my feeling was that she wasn't overly
23 concerned by the situation and therefore betrayal seems
24 a little over the top."

25 Vincent Harvey accepts that "Madeleine's" evidence

1 that their sexual relationship continued for around two
2 months and included sexual intercourse approximately
3 once a week is genuine evidence, but he claims he has
4 a different recollection. Harvey also claims his other
5 sexual relationships were one-off events. The first two
6 were, he made clear in his oral evidence, at the start
7 of his deployment with women he met in very casual
8 circumstances. His evidence changed, but in oral
9 evidence, he said, of the first one:

10 "It was someone else I had met in a pub trying to
11 establish some sort of local knowledge. The pub had
12 other people in there. You get introduced. Not my
13 greatest moment."

14 The second sexual encounter was in very similar
15 circumstances.

16 Of the third, he said he had met her at the
17 beginning of his deployment, saw her at SWP call-outs
18 and socially. They had been, he said, very good friends
19 and they had a sexual relationship one evening after
20 a party at the end of his deployment. He did not think
21 she would have had a sexual relationship with him if she
22 knew that he was a police officer.

23 Harvey said that he cannot recall hearing sexual
24 banter among UCOs, and although he knew that a number of
25 UCOs who were in the SDS before, alongside him and after

1 him had reputations as womanisers and had engaged in
2 sexual relationships undercover, he says that he only
3 realised this after he left the SDS. He also said he is
4 unaware that the management ever knew of any such
5 relationships.

6 Vincent Harvey was managed by three police officers,
7 Geoffrey Craft, Angus McIntosh and Trevor Butler.

8 "Madeleine" relies on the analysis of their evidence in
9 the Cat H closing and highlights the following. All
10 claim not to have known that Harvey or anyone else had
11 sexual relationships with the public. They describe
12 exercising close supervision over undercover officers
13 but deny knowledge of undercover officers engaging in
14 intimate relationships.

15 She submits this evidence is not credible. All
16 three managers were aware of the obvious risk of
17 undercover officers engaging in sexual relationships and
18 it is not plausible that they were not also aware that
19 such relationships had, by the time of Vincent Harvey's
20 deployment, taken place. Rick Clark and "Jim Pickford"
21 had both just been withdrawn from deployment in 1976,
22 before Vincent Harvey was deployed, and it was common
23 knowledge that both had entered into sexual or romantic
24 relationships with women they spied on.

25 "Madeleine" adopts the conclusions of the Category H

1 written and oral closing. For the reasons they set out,
2 she submits that the actions of the SDS and
3 Vincent Harvey in respect of her and the SWP branches of
4 which she was a member were unlawful, unjustified, and
5 deeply abusive. She highlights the following.

6 Vincent Harvey was sent into the field to pose as an
7 activist and operate undercover for four years without
8 even having a target organisation to infiltrate, still
9 less an identified individual: he was left to exercise
10 his own judgment on who and what to report on, when and
11 where to conduct his surveillance and how much or how
12 little to interfere into private lives and homes for
13 three years. His deployment only ended because he was
14 promoted. There was no pressing need for any invasive
15 surveillance of either "Madeleine" or her fellow SWP
16 branch members, still less a pressing need for invasive
17 surveillance of this depth and length. Neither
18 "Madeleine" nor her branch of the SWP had been
19 identified by the SDS as a target. She had not
20 committed any crime, nor did she pose any imminent
21 threat of breach of the peace which could justify the
22 deployment into her life and home. Once deployed,
23 Harvey's surveillance confirmed this lack of criminality
24 and lack of any imminent threat of violence and yet the
25 invasive surveillance continued.

1 She also highlights that the use of covert powers is
2 subject to a particularly strict necessity test, both in
3 terms of the seriousness of the threat said to justify
4 their use and the need to show the lack of any
5 alternative method of meeting that threat. This strict
6 test was obviously not met in the case of "Madeleine"
7 and the Walthamstow and Leyton branches of the SWP.

8 Most seriously of all in her case and in the case of
9 at least four other women, these serious violations of
10 fundamental rights were compounded by the abusive sexual
11 relationships to which all these women were exposed when
12 a male UCO was sent into their private homes and lives.
13 "Madeleine" submits that given the lack of any proper
14 justification for her surveillance in the first place,
15 this amounts to a particularly egregious violation of
16 her rights. She agrees with the Category H submission
17 that the failure to take any steps to protect women in
18 the wake of Rick Clark's withdrawal from deployment
19 indicates tacit acceptance that sexual relationships
20 would occur. Given the timing, it had an immediate
21 adverse impact on her.

22 She also submits it is clear from Vince Harvey's
23 evidence that he treated his deployment as a sexual
24 opportunity from the start and he made full use of that
25 opportunity as soon as he was deployed. According to

1 his own evidence, he was still availing himself of these
2 sexual opportunities right up until his deployment
3 finished. He also put women at risk, given his multiple
4 partners and failure to use contraception.

5 Harvey's casual and contemptuous use of
6 "Madeleine's" body and emotions for his own ends as he
7 explained he didn't attribute it much importance was
8 inhuman and degrading treatment of her by him and all
9 those responsible for his deployment, which can never be
10 justified.

11 "Madeleine" also submits that Harvey's evidence on
12 the following matters should be rejected as untrue:
13 Harvey's claim that he did not hear sexual banter among
14 UCOs; Harvey's assertion that he only realised
15 Rick Clark and "Jim Pickford" had sexual relationships
16 after they all left the SDS; and Harvey's statement that
17 he's unaware that the management ever knew of such
18 relationships. "Madeleine" submits this evidence cannot
19 be accepted as credible given that the evidence of
20 "Graham Coates", Geoffrey Craft and Angus McIntosh about
21 the prevalence of sexual banter, which is strongly
22 corroborated by the PSI report, given also the
23 widespread contemporaneous knowledge among UCOs of
24 Rick Clark's sexual relationships and reputation as
25 a womaniser, and finally, given that Rick Clark was

1 Harvey's friend and that he was compromised while Harvey
2 was deployed.

3 "Madeleine" submits that Harvey's claim that it is
4 his recollection that he had sex with "Madeleine" only
5 once should also be rejected as untrue and as an attempt
6 to minimise his conduct. Given this, and his changing
7 account of the timing of his relationships, his evidence
8 that his other sexual relationships were one-night
9 stands should also be treated with caution.

10 In her opening statement for Tranche 1 P3,
11 "Madeleine" highlighted that it was as a direct result
12 of the SDS's departure from basic common law and human
13 rights principles that she was put at risk of being
14 abused by Vincent Harvey. She pointed out that had the
15 SDS's invasive tactics been reserved for serious crime
16 or imminent violence, had Harvey been given proper
17 targets and tasking and had there been tight boundaries,
18 clear guidance and adequate supervision, she would have
19 been safe.

20 There is a further critical factor which put
21 "Madeleine" at risk. It is revealed by the PSI report
22 highlighted in the Category H closing and the evidence
23 of "Graham Coates" the MPS was, as I've already
24 described, in the T1 era, and it remains to date,
25 a deeply misogynistic organisation dominated by a cult

1 of masculinity. By sending UCOs with these attitudes
2 into the homes and private lives of "Madeleine" and
3 other women, the MPS's most senior officers put the
4 women at direct risk of predatory and abusive behaviour.
5 This was, as I've already described, the place where
6 they were entitled to believe they were safe, in their
7 homes and amongst private circles of friends and
8 acquaintances. The MPS did nothing at all to avert that
9 risk. The only thing that was averted was the gaze of
10 the most senior officers when they decided to turn
11 a blind eye. To this day, the senior officers
12 responsible for Harvey, Geoffrey Craft and
13 Angus McIntosh, do not even consider his conduct
14 abusive.

15 "Madeleine" makes clear she considers the conduct of
16 the entire MPS not just Vincent Harvey unforgivable and
17 she holds them and the cult of masculinity directly
18 responsible for her mistreatment and for the
19 mistreatment of all other women abused by the SDS. She
20 hopes that she and all of the affected women will soon
21 receive a full and open apology from the MPS for the
22 endemic sexism which was the driving force for the abuse
23 which they have all suffered and a straightforward
24 public commitment to eradicating misogyny and sexism in
25 all its forms from the MPS's culture.

1 Finally, she has a specific request to you, Sir,
2 that any reference to Vincent Harvey in the Inquiry's
3 reports be made including all the names he's been known
4 by, in other words his real name, Vincent Harvey, as
5 well as his alias, "Vince Miller", and his cipher,
6 HN354. This is because she wants to ensure he is
7 visible and unable to hide behind ciphers as he's held
8 to account by this Inquiry.

9 THE CHAIRMAN: Thank you. I'm afraid I will not be able to
10 fulfil that last request. One of the reasons we adopt
11 ciphers is to ensure that we do not inadvertently step
12 over the line between real and cover identity where
13 there are restriction orders in place, and I'm afraid
14 it's a habit that's got ingrained and I'm afraid it will
15 remain so, but everyone knows the real name of the
16 officer concerned, it has been put into the public
17 domain and in other circumstances, other officers' real
18 names have been put into the public domain for similar
19 reasons.

20 Are you now ready to go straight on to
21 Diane Langford?

22 MS KILROY: I am now, if that's Okay. I will now move to
23 Diane Langford's closing statement.

24 Sir, like the others for whom I have given oral
25 statements today, there is a written closing statement.

1 I'm going to follow that statement, but not all of this,
2 in my oral submissions today.

3 Can I start off by addressing Ms Langford's
4 background as a political activist and campaigner
5 throughout her life.

6 Diane Langford was born on 21 November 1941 in
7 New Zealand. Her experiences there shaped the
8 principled political activism which has been a feature
9 of her life ever since. As a child, she witnessed
10 first-hand the unfairness and brutality of colonialism
11 and racism towards Maori indigenous communities. Her
12 brothers were meanwhile given a university education,
13 whereas as a girl she was expected to leave school at 15
14 to work in a Kodak factory. She was later sent, in
15 1964, to London, not for her own education but to
16 support her younger brother, who had won a scholarship
17 at the Royal Academy of Music. Consequently, following
18 her arrival in London, she volunteered at the Campaign
19 Against Racial Discrimination until 1969, became
20 a member of the print union NATSOPA in 1967 and joined
21 the Britain-Vietnam Solidarity Front in 1968 to protest
22 against the excesses of the Vietnam War.

23 In 1970, she co-founded the Women's Liberation Front
24 and also set up the Women's Equal Rights Campaign. She
25 became involved in the Palestine Solidarity Campaign in

1 1970, and from 1974 to 1996 was Mother of the Chapel,
2 which is a shop steward, for the union the Society of
3 Graphical and Allied Trades at the Press Association.
4 She is now 81 years old. While her politics has
5 developed over the past 50 years, her priorities remain
6 the liberation of women from all forms of oppression and
7 exploitation, supporting self-determination and freedom
8 from occupation and apartheid for the Palestinian
9 people, and movements for justice for other dispossessed
10 or marginalised people. All of this is set out in her
11 witness statement. As she says:

12 "I continue to organise around issues such as
13 anti-racism, the Women's Liberation Movement,
14 the Palestine solidarity campaign, the LGBTQ movement,
15 trade union and worker rights, support for the
16 NHS against privatisation, nursery campaigns, support
17 for the disabled people's movement in defence of local
18 services, etc."

19 Ms Langford has never been involved in any criminal
20 activity. She explains:

21 "All my activism has always been open and through
22 the usual democratic means from lobbying the Government
23 to attending demonstrations. I have never been arrested
24 for a criminal offence."

25 Nor did Ms Langford's activities pose any threat to

1 public order. She has never been involved in any
2 violence.

3 Ms Langford considers that her life-long commitment,
4 and the commitment of fellow members of the groups she
5 was part of, to using debate, protest and lawful means
6 of community organisation and persuasion to transform
7 the social and political system is emblematic of
8 a healthy democratic system. As her evidence records,
9 members of various groups would debate vigorously the
10 best method of achieving change with vehement language
11 sometimes used. Some ideas were more palatable than
12 others, but such open exchanges of views and the
13 moderation achieved by debate and difference of opinion
14 are the lifeblood of democracy. They do not in any
15 sense undermine democracy, nor do exchanges of ideas
16 merit surveillance by the State.

17 Sir, while her activism and her commitment to debate
18 is emblematic of democracy, the same cannot be said of
19 the activities of the Metropolitan Police Service and
20 the SDS. The disclosure made by the Inquiry shows that
21 while Ms Langford, her friends, family and acquaintances
22 were engaged in the entirely lawful activities I've just
23 been describing, she was the subject of detailed
24 surveillance by undercover officers posing as fellow
25 political activists. The surveillance lasted for at

1 least a ten-year period between July 1968 and
2 January 1979 and it appears to have been particularly
3 intense between 1969 and 1973. Seven UCOs infiltrated
4 her private life in various capacities and reported on
5 her during that period. They spied on a wide range of
6 her political activities, including for the
7 Women's Liberation Front and the Palestine Solidarity
8 Campaign.

9 The surveillance was detailed and intrusive, with
10 undercover officers regularly entering her home,
11 attending private social gatherings and political
12 meetings, and recording detailed information about her
13 political views, family arrangements, marriage and
14 employment. They then stored and shared this private
15 information with other police officers and the
16 Security Service.

17 Their reporting was often accompanied by
18 inappropriate personal commentary on Ms Langford's views
19 and family arrangements. The evidence adduced in
20 Tranche 1 shows that Ms Langford's political activities
21 were the subject of intense and long-term surveillance
22 by these seven UCOs. She has attempted, with
23 the assistance of the Inquiry, to put this reporting in
24 context in her statement, although as she explains,
25 she's not had access to all the information which could

1 enable her to comment most effectively, including
2 photographs of UCOs which would allow her to recall
3 them.

4 The surveillance and reporting of two of these
5 officers, HN348 and HN45, was particularly intrusive.
6 HN348 infiltrated Ms Langford's life for two years,
7 spying on WLF meetings, and HN45 for three years, with
8 both attending private meetings in her home and the
9 homes of fellow activists and compiling dozens of
10 reports containing detailed information about her
11 political views, that of her husband,
12 Abhimanyu Manchanda, and about their private family
13 life, including their childcare arrangements.
14 Ms Langford was also spied on intensively by three other
15 officers, HN135, HN336 and HN335, between 1969 to 1970,
16 including at private meetings and at her home.

17 HN348, Sandra Davies, confirmed that the meetings of
18 the WLF she attended were often held in private homes.
19 She told her senior officers about this and says:

20 "There was no suggestion I should not attend because
21 the meetings were held in those homes."

22 She was also not given any guidance not to report
23 personal or private details that she had observed there.

24 The groups which HN348 infiltrated held meetings and
25 engaged in leafletting and demonstrations. Their

1 activities were all within the bounds of the law. As
2 HN348 put it, the political ideology they were promoting
3 did not spill over into what they were doing. These
4 events were intimate, social and refreshments were
5 provided. It's likely that HN348 took on the role of
6 treasurer of the WLF on 6 February 1972, was closely
7 involved in the work of the WLF and that she was also
8 regarded as a central member of it, as well as a friend,
9 even though she was, in reality, an undercover officer.

10 HN348 was not aware of any criminal activity and
11 there was no record of public disorder by Ms Langford or
12 any other WLF members, nor were any of them arrested.
13 She observed that WLF were more talk than action, and
14 for the entirety of her two-year deployment, she did not
15 see any subversive or disruptive or violent extremist
16 behaviour. She said she was tasked to observe them
17 because Special Branch did not know much about them and
18 wanted to find out what was really happening. Her
19 tasking to infiltrate the groups was broadbrush and
20 ad hoc, although on occasion she appears to have
21 received specific requests for information from the
22 Security Service, with which she complied.

23 HN348 did not think her undercover policing was
24 worthwhile and she queried whether police officers
25 should be undercover at all.

1 As for HN45, he was given the broad task of
2 infiltrating Maoist groups. Which groups were a matter
3 for him and he had fluid membership of a lot of groups.
4 He explained that "the SDS was trying to find out
5 whether these groups posed a risk to public order and
6 the Security Service also had an interest in gathering
7 information about any risks posed to State security".
8 There was no clear next step once a UCO like him got
9 connected with a group. They were expected to use their
10 initiative, discretion and judgment, but HN45 "would not
11 have reported on matters that did not fall within my
12 broad remit". He knew his role was to gather as much
13 intelligence as he could on his target groups and pass
14 it back to the SDS, and so he reported on names,
15 occupations, addresses and positions of all members of
16 the groups without selection. One of his main jobs was
17 to find out about membership of protest groups. He said
18 the Security Services were interested in everything and
19 you did not ask questions about why they wanted certain
20 information. He also says that the Maoists were
21 generally not violent and he does not remember them
22 being engaged in public disorder. Nor did any of the
23 other groups he spied on pose any particular threat to
24 public order or to the State. As for subversion, he
25 says they were subversive in the sense that their whole

1 purpose was to subvert the political system, but they
2 could not actually achieve this, as they did not have
3 the means to do so and they were largely pretty
4 ineffective.

5 HN45 admits he was closer to Diane Langford and
6 Manchanda than to other activists, and he claims to have
7 been sufficiently close to have babysat their child.
8 Ms Langford agrees he socialised regularly with them but
9 denies the babysitting.

10 HN348 and 45's reports frequently contained
11 information on intimate private matters and social
12 commentary that was racist, sexist or homophobic.
13 Recording this information served no conceivable
14 intelligence purpose and yet the UCOs considered it was
15 their function to record such intimate details and
16 convey their views on it to their superiors and the
17 Security Service. Some of the information appears to
18 have been recorded for amusement value and it
19 illustrates the sexist, prurient and contemptuous
20 attitudes of the UCOs to those spied on.

21 Just by way of example, in relation to Ms Langford's
22 childcare arrangements, HN45 stated, sarcastically.

23 "Manchanda considers that this is a practical
24 experiment in the field of Women's Liberation as he
25 remains at home to look after their young baby born in

1 December 1970 while his wife is out working."

2 HN348 recorded the following about a Women's
3 Liberation conference in 1972:

4 "Lesbian friends in particular made exaggerated and
5 noisy displays of affection, openly kissing and hugging
6 each other. These displays were commonplace throughout
7 the conference and it was not unusual to see two girls
8 entwined in a corner. That little notice was taken by
9 the majority of women present indicated the prevailing
10 liberal attitude."

11 Both HN45 and HN348 were withdrawn from deployment
12 in 1973 when HN45 was recognised by Ethel as a police
13 officer. In fact, Ms Langford says she already strongly
14 suspected him, but his violence and threats towards
15 Ethel, which he denies, exposed to her the sinister
16 nature of his role. It appears that HN45's compromise
17 led to a significant diminution in SDS's reporting on
18 Ms Langford's political activities, which confirms that
19 there was no proper need for it in the first place.

20 Other significant reporting, as I've already
21 mentioned, was carried out by HN336, 135 and 335, with
22 Ms Langford's report appearing in multiple reports from
23 all these officers between 1969 and 1970. The targets
24 of HN336 and 135 were the BVSF and BSC, whereas HN335
25 infiltrated the PSC.

1 In conclusion, Ms Langford adopts the general
2 submissions of the Category H CPs in their written and
3 oral closing. As for the surveillance of her, it is
4 Ms Langford's position, which she invites the Inquiry to
5 adopt, that the police's surveillance of her was
6 unjustified in every sense. They had no right to be in
7 her home and they were trespassing there. There was no
8 crime to investigate, and they had no lawful authority.
9 They had no right to record details of her family life,
10 or her views expressed in the privacy of her own home or
11 the homes of others, or at private meetings. There was
12 no pressing need to do so, even if she had posed a risk
13 of public disorder, but she did not pose such a risk,
14 nor did she pose any risk of subversion.

15 She also asks the Inquiry to confirm that her
16 political views and family arrangements were and are
17 private and no business of the police or the State. She
18 considers that her right to have views untrammelled by
19 surveillance or interference which the State, secret or
20 otherwise, is a lynchpin of a democratic system and
21 a key distinguishing feature between democracy and
22 totalitarianism.

23 As I've already indicated, the activities she was
24 involved in were a prime example of what democracy, at
25 its best, permits in order to achieve beneficial change

1 in society. There was nothing dangerous or subversive
2 about them at all. Indeed, Counsel to the Inquiry has
3 also said in his closing yesterday that the Women's
4 Liberation Front championed equality of opportunity,
5 equality of payment, access to childcare and fair
6 divorce arrangements and yet it and Ms Langford became
7 a target for intrusive surveillance for almost two
8 years.

9 Ms Langford submits that the actions and attitudes
10 of the MPS and the SDS resembled those used by
11 totalitarian states to spy on political opponents. They
12 had little or no respect for the law, for her or for
13 the fundamental rights of any of those spied on.
14 Instead the SDS was unaccountable and a law unto itself.
15 Consequently, it seriously undermined and damaged the
16 democratic values which it was its function to uphold.

17 Ms Langford also, finally, notes further features of
18 the Category H closing which have particular relevance
19 to her. The widespread misogyny and sexism revealed in
20 the Policy Studies Institute -- the PSI report --
21 explains the sexist and racist attitudes pervading the
22 reporting of HN45 and HN348. They also appear to have
23 at least partly motivated HN348's deployment.
24 The Women's Liberation Front, as I've already said,
25 posed no conceivable threat to other public order or the

1 State, but it seems the SDS and Security Services
2 assumed it was controlled by Ms Langford's husband and
3 infiltrated it for two years, at least in part for that
4 reason. She makes that point at paragraph 70 of her
5 statement.

6 She also highlights the MPS's attitudes to the use
7 of force when dealing with public disorder, which is set
8 out in the Police in Action report, and in particular
9 the untrammelled use of violence. The observations of
10 the PSI researchers match Ms Langford's experience of
11 police violence towards demonstrators and strongly
12 corroborate her evidence about that.

13 Finally, Ms Langford wishes to draw attention to her
14 statement in which she answered 22 Rule 9 questions from
15 the Inquiry. In that statement, in the spirit of
16 cooperation with which she has always approached this
17 Inquiry, she answered a series of questions in detail
18 about her political views and family circumstances. She
19 respectfully submits, however, that neither the
20 intricacies of the stances taken by groups or
21 individuals whom the SDS spied on, nor her contentment
22 with private childcare arrangements between her and her
23 husband, are of relevance to the issues before the
24 Inquiry. As explained above and in the Category H
25 closing, long-term intrusive undercover policing of

1 the type carried out by the SDS must be lawful and
2 strictly justified at the time. It was not. In those
3 circumstances, the only relevance to the Inquiry of the
4 views of those spied on is that they were extensively
5 observed, recorded and shared by the police and then
6 stored by the Security Service for decades, even though
7 it was unlawful and unjustified to do so.

8 THE CHAIRMAN: Thank you very much indeed, and you have had,
9 by our standards, a lengthy afternoon and I'm grateful
10 to you for the cogency of your submissions. Thank you.

11 MS KILROY: Thank you very much, Sir.

12 (4.08 pm)

13 (A short break)

14 (4.20 pm)

15 THE CHAIRMAN: Mr Morris, would you like to begin your
16 closing submission.

17 Closing statement by MR MORRIS

18 MR MORRIS: Thank you.

19 I've been involved since 1974 in a range of groups
20 and campaigns trying to encourage people to support each
21 other and to make the world a better place. Such groups
22 include ones promoting libertarian, socialist and
23 anarchist politics, workplace solidarity, environmental
24 campaigning, including London Greenpeace, opposition to
25 corporate power and exploitation, including being one of

1 the two defendants in the "McLibel" case, and
2 involvement in community groups promoting local mutual
3 aid and self-organisation, speaking up for their needs
4 as local residents. I am currently Secretary of
5 the Haringey Federation of Residents Associations and
6 Chair of the National Federation of Parks and Green
7 Spaces. The essence of my personal motivation and
8 political beliefs has remained constant throughout the
9 last 50 years or so. The desire to tackle injustice, to
10 seek improvements in society in the public interest, and
11 to encourage and empower people to have as much control
12 over their lives as possible.

13 I will now read out my written statement and will
14 make some additional comments in response to yesterday's
15 submissions.

16 I welcome and am guided by the general statement of
17 90 Core Participants from September 24 2020, which
18 I append to my written statement. I hope I can do
19 justice to those collective views and further amplify
20 some of those points made by 90 of us in this Inquiry.
21 Please see my previous opening statements for more
22 detail, especially about my own experiences, which are
23 appendices 2 to 4. I have incorporated or referenced
24 a few of their key points in this statement.

25 I welcome the closing statement of Kirsten Heaven,

1 on behalf of all the cooperating Core Participants --
2 and that's due tomorrow -- and our other lawyers'
3 closing statements. They of course include a wealth of
4 detail of the range of undercover operations, the
5 unlawful and unacceptable tactics employed and the
6 impacts on so many groups and individuals.

7 I also welcome the statement by the
8 Counsel to the Inquiry made yesterday, paragraphs 108
9 and 117 of his written statement, in which he concludes
10 that the SDS should have been disbanded in the 1970s and
11 that things continued to go wrong, despite the RIPA,
12 Regulation of Investigatory Powers Act, in 2000, and
13 that being the key issue for why things continued to go
14 wrong, despite the new regulations, and whether the
15 current statutory framework is adequate.

16 I also welcome the statement by the
17 Metropolitan Police Service, paragraph 152 in their
18 written submission, yesterday in which they say:

19 "Nothing should be taken as any kind of suggestion
20 that deployments of the type carried out by the SDS in
21 this Tranche 1 period would be authorised today. They
22 would not. By modern standards, the SDS's deployments
23 in this period are unjustifiable, not least because
24 there was a failure to consider intrusion, necessity and
25 proportionality."

1 And I note the word "unjustifiable" being stronger
2 than just "unjustified".

3 In this statement I will outline six key things: how
4 the undercover policing operations became a major
5 scandal, now recognised at every level; two, what kind
6 of activities, campaigns and movements I've been
7 involved in and why; three, how I was targeted; four,
8 what everyone has learned so far; five, what remains to
9 be uncovered, learned and achieved; and six, some
10 important recommendations by Core Participants.

11 Credit is due to all the victims and campaigners who
12 have spoken out and to all Core Participants who have
13 worked together for many years, supported each other and
14 exposed the truth. This includes our coordinated
15 campaigning through, for example, the Campaign Opposing
16 Police Surveillance, Police Spies Out of Lives, the
17 Blacklist Support Group, The Monitoring Group or family
18 justice and anti-racism campaigners, the Network for
19 Police Monitoring and the Undercover Research Group. We
20 also thank the UNITE union and the 200 trade union
21 branches who have affiliated to the campaign, and the
22 Lush company, who have also actively backed
23 the campaigning.

24 Everyone involved with this Inquiry must give
25 special credit to the women shockingly targeted by

1 undercover police officers for sexual relationships.
2 They were the first to investigate and eventually
3 uncover and expose the extent of deception and depth of
4 abuse the undercover units were prepared to employ.
5 I strongly urge everyone to read the book written and
6 published last year by such a group of women called
7 "Deep Deception". It is vital and damning evidence for
8 the Inquiry.

9 These efforts should not be underestimated.

10 The long and often opaque Inquiry has been exhausting
11 and frustrating for CPs and many have fallen along
12 the way, eg due to age, illness, or not being properly
13 engaged and listened to, finding the history too
14 personal or unsavoury to engage with, or just being fed
15 up with the time it's all taking and so they've moved
16 on. They have fallen away without yet getting the truth
17 and justice they deserve. Justice delayed is justice
18 denied, including for the millions of members and
19 supporters of the targeted organisations and movements
20 and campaigns, who are also entitled to know the full
21 truth and to be confident that such secret political
22 policing will never be tolerated again.

23 The lawyers acting on our behalf have eloquently and
24 persuasively summed up the evidence obtained and the
25 legal implications.

1 I'd like also to thank the investigative journalists
2 who have published in-depth articles and books.

3 Finally I'd like to credit the Met Police's
4 whistleblower Peter Francis, a former
5 undercover officer, who helped expose the reality of
6 what his secret unit was really up to, including
7 the infiltration of the Stephen Lawrence Family Justice
8 Campaign. Any UCOs or members of MI5 who wish to turn
9 whistleblower and tell the full truth are welcome to
10 contact me or any of the CPs' lawyers in confidence any
11 time. It will be greatly appreciated.

12 There have been a number of legal and official
13 milestones which have formally recognised the depth and
14 scale of the undercover policing scandal, slammed the
15 SDS and called for action. These milestones include:
16 the Ellison Review in 2013 into the "seriously flawed"
17 police investigation into the murder of
18 Stephen Lawrence. The review made a range of
19 devastating findings against the Met Police and the
20 shocking role of the SDS in targeting the Lawrence
21 Family Campaign.

22 Then Theresa May's statement to Parliament on
23 6 March 2014 saying she was "profoundly shocked" by some
24 of the Ellison Review revelations about the Met and the
25 SDS and that therefore she was initiating this public

1 inquiry and calling for "a change in culture" in
2 the police.

3 The next important step was the
4 Metropolitan Police's 2015 apology and payment of
5 compensation to seven women targeted for fraudulent
6 sexual relationships by SDS officers.

7 The next step was the Investigatory Powers Tribunal
8 powerful legal judgment in favour of Kate Wilson and
9 against the Metropolitan Police's spying operations,
10 ruling that the undercover policing units did not meet
11 a pressing social need and were not necessary in
12 a democratic society.

13 The recent conclusion of this Inquiry's legal team
14 is therefore to be welcomed that the SDS should have
15 been disbanded in the 1970s. That's now reinforced by
16 the Metropolitan Police Service's agreement that
17 the deployment was unjustifiable by modern standards.

18 The rights and laws breached by the SDS are not just
19 ordinary lawful rights, they are specially protected
20 rights enshrined in law and international human rights
21 charters around privacy, the need for warrants to enter
22 homes, right to trade union activity, rights of assembly
23 and freedom of speech. The reason there are such laws
24 giving additional protection to such activities is
25 precisely because governments and other powerful

1 interests will otherwise constantly seek to extend and
2 abuse their powers against the public around these
3 matters. The police therefore have a responsibility to
4 resist Government pressure to attack such fundamental
5 rights and a responsibility to defend those rights and
6 not to undermine them and those who exercise them.

7 The various groups I have been involved in over
8 the decades have been open and democratically or
9 collectively run and engaged in the kind of public
10 activities which the public are invited to join in or to
11 replicate for themselves and which are essential if
12 humanity is to progress and survive. All my activity
13 which was being monitored was traditional and legitimate
14 political and campaigning activity, albeit much of it at
15 the radical and libertarian end of the left/right
16 spectrum, producing magazines, exercising hard
17 fought-for rights to freedom of speech and assembly,
18 attending or helping organise protests and social
19 events, demonstrations, public meetings, picnics,
20 attending union meetings, supporting industrial
21 disputes, defence campaigns for people arrested and so
22 on.

23 Such groups, as we all should, question and
24 challenge those institutions which wield power over
25 people's lives and control the world's resources and

1 decision-making. These include governments,
2 transnational corporations, military organisations and
3 financial institutions. Such powerful institutions are
4 generally tightly controlled by a small, self-serving
5 elite continually obsessed with power and profit and are
6 ruthless and unaccountable. In fact, as I outlined in
7 more detail in my April 2021 statement, they are
8 subversive of society and people's real needs. They are
9 the real subversives that need to be investigated.
10 Indeed, they are also the inevitable cause of most of
11 what the SDS would define as public disorder, which
12 happens in response to unfairness and injustice.

13 Unsurprisingly, such powerful institutions have made
14 a shocking mess of the world for centuries, causing mass
15 hardship and poverty, disempowerment, discrimination and
16 oppression, exploitation of workers and resources,
17 horrific wars and large scale environmental destruction.
18 They have brought humanity to the brink of nuclear
19 annihilation and have been systematically exploiting and
20 destroying the natural environment upon which human
21 society depends for our survival. As a result, our
22 species now faces a catastrophic and possibly terminal
23 future.

24 Many of the groups I have been involved with have
25 come to the conclusion that the evidence of history

1 demonstrates that such powerful institutions can't be
2 successfully reformed and turned into benevolent useful
3 public bodies. However, history also demonstrates that
4 grassroots movements for change, if large enough and
5 determined enough, can shift the balance of power and
6 win concessions and victories for the public along the
7 way. The groups I have been involved in have tried
8 their best to support efforts to build single issue and
9 other campaigns and movements to improve things in the
10 here and now.

11 Some of those groups logically also call for
12 the hierarchical and authoritarian institutions which
13 are causing the shocking problems humanity unfortunately
14 has to face to be transformed or replaced in the long
15 term by a genuinely democratic way of running society,
16 one in which people all over the world collectively
17 manage their own neighbourhood, workplaces and lives,
18 and ensure that all the resources are shared fairly and
19 all decision-making is for the public good. In fact,
20 most of the groups, organisations and movements targeted
21 by undercover units over decades share some or most of
22 the aforementioned and wholly legitimate characteristics
23 and beliefs, basically challenging the oppressive and
24 unfair status quo in order to improve things for all,
25 which is why they were targeted.

1 I just want to respond to some of the comments
2 yesterday in the police submissions regarding so-called
3 extremism and public order.

4 What is extremism?

5 I note the characterisation yesterday of "extreme
6 left wing" being something to be demonised and
7 suppressed as if the extreme left wing comes from
8 another planet and exists to systematically create
9 disorder to somehow thereby ferment revolution.

10 Protest and protest movements in fact are caused by
11 significant injustice and oppression leading to people
12 responding to try to address and change that.

13 Revolutionary groups exist because many people in
14 protest movements want real and lasting change and don't
15 think that will come through Parliament. But revolution
16 can only happen if the majority of people want real
17 change and make it happen themselves.

18 The extremism demonisation is particularly used as
19 if somehow the so-called extreme left is equivalent to
20 the extreme right wing during so-called tit for tat
21 confrontations. This was said yesterday. This false
22 so-called equivalence between fascism and anti-fascism
23 is shockingly disrespectful of those who have challenged
24 very real fascist threats at certain times to the
25 wellbeing of our society and to particular sections of

1 our society. Such false equivalence is frankly
2 nauseating. It is also lazy and inaccurate. Fascist
3 groups are psychopathic organisations committed to
4 spreading hatred, division, fear and terror in order to
5 seize power and impose via mass murder a military style
6 dictatorship in which all opposition and civil society
7 is wiped out. Those who actively oppose this are to be
8 commended and supported by all publicly spirited people,
9 not denounced as "just as bad as them", or extremists.

10 So what is extreme? What is really extreme? Is
11 capitalism, where decisions are made, as happens now, on
12 the basis of increasing the wealth and profits of
13 the rich and powerful extreme? An Oxfam report last
14 month revealed and condemned the fact that the world's
15 extremely richest 1% increased their already obscene
16 wealth by £21 trillion since 2020 whilst the vast
17 majority of us are forced to undergo and protest about
18 austerity policies, wage cuts, price rises and cuts to
19 public services.

20 Is an unscientific approach to the climate emergency
21 extreme? That is the current ever increasing global
22 carbon emissions threatening humanity's future. Such
23 extremism inevitably leads to increasing demands and
24 protests for the immediate effective action now
25 required. As I've said in a previous statement, the

1 most extreme challenge we all face and probably have
2 ever faced is the climate catastrophe being caused by
3 governments and corporations promoting unbridled
4 resource extraction and consumerism based on fossil fuel
5 extraction. In 1968 the American Petroleum Institute
6 had commissioned US Sandford Institute scientists to
7 look at the consequences of burning fossil fuels. This
8 is at the same time as the SDS being set up. Those
9 scientists said that continuing to burn fossil fuels
10 would lead to increases in temperature at the earth's
11 surface and that significant temperature increase could
12 lead to melting ice caps, rising seas and potentially
13 serious environmental damage worldwide. They said:

14 "There seems to be no doubt that the potential
15 damage to our environment could be severe."

16 That was 50 years ago. So who is being extreme?
17 The fossil fuel companies or those who are protesting
18 and trying to create a sustainable society?

19 Is apathy or inconsistency of efforts to make things
20 better extreme, or is it important, vital to come up
21 with a long term and coherent political vision and
22 strategy that will actually make a real difference?

23 Is reliance on Parliament and politicians to solve
24 society's serious problems extreme, or is it sensible,
25 alternatively, to empower ourselves in our communities

1 and workplaces to work towards people being able to take
2 over the decision-making collectively for everyone's
3 benefit?

4 Are top-down authoritarian laws and practices
5 extreme -- there are ever increasingly dictatorial
6 governmental powers over people's lives -- or is
7 a libertarian and anti-authoritarian way of doing things
8 based on devolving power to the grassroots more
9 sensible?

10 By various of those yardsticks, and although groups
11 differ in their character, priorities and activities,
12 most of the groups targeted by the SDS and
13 Security Services are not extreme but are instead rather
14 sensible in challenging Government policy and supporting
15 ordinary people to campaign for their real needs.

16 In my view, most religions and Government are, or
17 potentially are, extremist and totalitarian unless
18 restrained by a strong and assertive civil society. All
19 governments support mass State violence, for example
20 wars and weapons of mass destruction and police violence
21 to impose their laws and ensure the maintenance of
22 the capitalist status quo and its attendant injustices
23 and oppressions.

24 So coming along to myself and how I was targeted.

25 I was targeted from the mid-1970s for at least

1 30 years and probably much longer for my political,
2 social and environmental activism. As we have heard, in
3 the 1970s, Anarchy Magazine, a theoretical periodical
4 produced by collective meetings, openly advertised, was
5 infiltrated by "Graham Coates", cover name, who
6 fraudulently befriended and latched on to me in
7 particular. I was also involved as a Post Office
8 working active in my union in the London Workers Group.
9 It held fortnightly openly advertised meetings to
10 discuss key issues facing workers and to encourage
11 workplace solidarity and opposition to exploitation by
12 employers. The group was infiltrated and the spy
13 volunteered to become the treasurer of the group.

14 In the next tranche of evidence in the Inquiry, we
15 will hear about how, at the end of the 1970s and at
16 the start of the 1980s, the SDS targeted the large
17 UK-wide grassroots movement of which it noted I was
18 part, challenging Government policy, promoting
19 the growth of nuclear power plants and the transport and
20 dumping of dangerous radioactive waste. Not long
21 afterwards, an accident at the Chernobyl Nuclear Plant
22 in Ukraine caused an estimated 9,000 to 16,000 deaths
23 across Europe, including in the UK. I later got
24 involved with London Greenpeace, a small but influential
25 environmental group who had been very active in

1 the anti-nuclear movement. In Tranche 2, we will hear
2 about how three undercover police infiltrated the group
3 over a ten-year period. One of the them, Bob Lambert,
4 helped write the "What's Wrong With McDonald's?" fact
5 sheet which became the subject of the longest and one of
6 the most controversial trials in English legal history
7 in which myself and my colleague Helen Steel defended
8 ourselves. Bob Lambert had a number of sexual
9 relationships with women activists to boost his
10 information-gathering and even fathered a child before
11 abandoning him and his mother. He also, it was later
12 alleged in Parliament, acted as an agent provocateur to
13 get others arrested and jailed.

14 What was the SDS's reaction to all these disgusting
15 misdeeds? He was promoted to the head of the unit.

16 It should be noted that after myself and Helen
17 tracked him down and confronted him over 20 years later,
18 he was interviewed on Channel 4 TV and had no option but
19 to apologise for his behaviour.

20 We will hear also in Tranche 2 how the next police
21 spy to infiltrate London Greenpeace, John Dines,
22 engineered a long, fraudulent relationship with
23 Helen Steel while she was preparing for the legal battle
24 with McDonald's. His sudden disappearance, faking
25 a mental breakdown, caused her intense stress for over

1 20 years. During the SDS's demonstration of the group,
2 McDonald's also sent in infiltrators. During
3 the "McLibel" trial, we were able to expose
4 collaboration between the police and McDonald's. In
5 1999, we sued the Metropolitan Police and they were
6 forced to issue an apology and to write to all officers
7 in London to tell them not to pass on information to
8 third parties.

9 I look forward to Tranche 2 and the rest of
10 the Inquiry, but for now, I will mainly focus on what
11 fundamental things we've learned so far:

12 1. The undercover policing units were a secret,
13 wholly unjustifiable and illegal operation from the
14 beginning and throughout their existence.

15 2. They were a colossal waste of time and public
16 resources. The evidence of undercover officer
17 "Graham Coates", who targeted me, is significant. For
18 three years he targeted first the International
19 Socialists and then anarchist groups. In his statement
20 he concluded:

21 "The anarchists I reported on posed a minimal
22 challenge to public order. I do not think either the
23 International Socialists or the anarchist movement were
24 subversive in terms of their actions. I do not believe
25 any info I provided was particularly significant. I do

1 not think it would have made any difference to public
2 order if I had not worked in the SDS."

3 3. The SDS was funded, backed and praised and
4 covered up at the highest level of Government and police
5 throughout their existence.

6 4. They targeted at least a thousand groups, almost
7 exclusively left wing and campaigning groups and
8 movements, which were challenging the policies and
9 practices of the Government, capitalism and the police.
10 These movements were, and still are, representing the
11 hopes and wishes of millions of people.

12 5. The SDS deliberately targeted mainly those in
13 those movements who were usually the most committed,
14 most determined, most clear-sighted on how to reach
15 the agreed goals of such movements. These principled,
16 dedicated and generally selfless people voluntarily, in
17 their own time, were then insultedly and wrongly
18 categorised as so-called extremists and subversives and
19 somehow less than human for actively caring about and
20 supporting people's real needs, questioning and
21 challenging the powerful and actively seeking a better
22 society for all.

23 6. Unacceptable, disgusting and illegal tactics
24 were systematically employed on an industrial scale for
25 decades by the SDS and the NPOIU, eg the adoption and

1 abuse of the identities of deceased children, the entry
2 into people's homes without warrants, the invasion of
3 people's private lives, the abuse of women as sexual
4 targets -- one victim describing what happened to her
5 as "being raped by the State" -- mass surveillance and
6 hoovering up of private information to be passed on to
7 customers for their use and abuse, including illegal
8 blacklisting of active trade unionists and activists on
9 a mass scale.

10 7. The phone-hacking scandal rightly caused public
11 outrage and calls for action, including prosecutions,
12 jailings and closure of the News of the World, but the
13 SDS's behaviour was far worse than phone-hacking a few
14 messages, this was life-hacking, often for years.

15 8. The police never considered the welfare, as well
16 as the human and legal rights, of those members of the
17 public they targeted. Surely any normal human being
18 would do so? Surely, as public servants and in
19 a position of power, they had a duty of care whilst
20 invading and influencing people's lives? After eight
21 years of the Inquiry, many thousands of people in groups
22 targeted, whether those groups have already been
23 revealed or so far are still concealed, remain in
24 the dark about who spied on them, what information was
25 collected and what was done with it. They are

1 understandably angry, as well as being confused and
2 suspicious about which individuals from their past may
3 have been police spies and events from their life which
4 may have been secretly invaded and manipulated by State
5 agents cynically masquerading as their friends and
6 colleagues. This delay is unacceptable and we need
7 the full truth.

8 9. In contrast, the Public Inquiry, at the behest
9 of the police, is strongly applying privacy and human
10 rights concerns to protect the identity and welfare of
11 undercover officers. This sudden police conversion to
12 such rights not previously of any concern of their
13 secret units during their operations is surely
14 staggering hypocrisy. It would be seen as ironic if it
15 wasn't so serious. Many might think that those who
16 secretly invaded and abused people's lives should have
17 vacated their own privacy rights. Furthermore, in most
18 Core Participants participants' opinion, the privacy
19 strategy of the police during this Inquiry is the key
20 cause of its massive logistical problems, costs and
21 delays.

22 10. The public might expect that the Inquiry's
23 determination to invoke human rights laws to protect
24 the privacy of former undercover spies, despite their
25 abuses of the law, might be applied 100 times more

1 strongly when protecting the rights of those victims who
2 were seeking a better society and who were thereby
3 secretly targeted, lied to, abused, manipulated and
4 reported on to the secret services and other customers.

5 11. It is pretty clear that from the beginning and
6 throughout the life of the SDS they were dominated by
7 the needs and obsessions of the shadowy
8 Security Services, MI5, etc. Almost all undercover
9 officer reports seem to have been sent to Box 500, ie
10 the Security Service.

11 12. Fascist organisations were not targeted by
12 the SDS despite the recognition that they were likely to
13 be violent, their predilection for crime and their
14 promotion of hate speech, not to mention their
15 organising to impose by force a fascist State on
16 society. These were exactly the sorts of things the SDS
17 were claiming they were supposed to exist for.

18 13. Why did the SDS do what they did and how
19 did they get away with it? Because they could. It
20 seems that the old adage is true: power corrupts, and
21 absolute -- especially secret -- power corrupts
22 absolutely.

23 14. To the Met Police's current scandal over its
24 pervasive and toxic sexism, as recognised by its current
25 Chief Commissioner, can be added previous inquiries'

1 findings against them of institutional racism and
2 institution corruption. The SDS has demonstrated that
3 such entrenched problems in policing culture go back
4 a long way. We believe that the undercover policing
5 practices, sanctioned at the highest levels, also
6 demonstrate a clear anti-democratic bias and culture.

7 15. Not only did the SDS turn their eyes away from
8 fascist movements and their violence and subversion,
9 they and the Security Services also ignored
10 the systematic and daily mass capitalist violence
11 against the public, its often illegitimacy and
12 illegality, and its subversion of society. This
13 includes daily industrial-scale breaches of health and
14 safety and workers' rights at work; landlords'
15 illegalities and intimidation of tenants on a massive
16 scale; the subversion of society, and even of the State,
17 by the practices of particular industries and their
18 propaganda forced on the public, for example, the fossil
19 fuel industry, tobacco, junk food corporations,
20 construction companies, tax havens and tax avoidance and
21 so on. Why weren't the SDS and the Security Services
22 targeting employers and landlords organisations,
23 corporations and financial institutions? In fact, by
24 targeting the left, trade union activists and
25 progressive campaigns, they were in effect actively

1 protecting capitalist wrongdoing.

2 16. The campaigning causes SDS targeted are
3 generally on the right side of history, and in many
4 cases successfully so, countering apartheid, racism,
5 sexism, for women's equality, for trade union rights and
6 adequate pay, against blacklisting, to protect
7 the environment, for animal welfare, for equal rights
8 for lesbians and gay men, to hold the police accountable
9 and so on. All those are now enshrined in law and/or
10 mainstream public opinion. Those campaigns and those
11 who were pushing hardest for them should have been
12 enthusiastically supported by all public bodies,
13 including the police, not targeted and undermined.

14 It should be recognised that history vindicates
15 progressive campaigns and movements despite them being
16 attacked and undermined at the time as extremist or
17 subversive, for example, movements against slavery; for
18 trade union rights -- however, let's not forget
19 the trade unionists were once forcibly deported to
20 Australia in the 19th century -- movements for working
21 class people to be allowed to vote, for example
22 the Chartists in the 19th century; for votes for women,
23 Suffragettes in the 20th century; and 20th century
24 movements opposing imperialism and colonisation of all
25 the now independent countries throughout Africa, Asia

1 and South America and so on.

2 What do we still have to learn?

3 We look forward to seeing and hearing the evidence
4 relevant to Tranche 2 and the other tranches,
5 the documents and the hearings. This will be
6 accompanied by the evidence provided by those we know
7 were targeted, Core Participants and others. We are
8 still calling for substantial disclosure,
9 the undercover officers' cover names, their photos,
10 the name of all thousand groups reported on, the files
11 held on these groups and their members targeted. This
12 is crucial, so that the people, Core Participants and
13 members of targeted groups and the wider public, can get
14 the information they are entitled to and the closure
15 that they need, the full understanding of the extent and
16 impact of the scandalous operations and an opportunity
17 to respond.

18 Finally, recommendations for action.

19 In conclusion, the Inquiry is called upon to support
20 the recommendations of the People's Inquiry, organised
21 by Non-State Core Participants in July 2018 in
22 Conway Hall, London, as reaffirmed in the joint
23 statement by the 90 Core Participants in November 2020,
24 and I have set that out in full in my appendix, in
25 the appendix below.

1 In summary, what is needed is:

2 1. Full disclosure of the names of all the spies,
3 all the organisations they targeted or reported on, and
4 the files on individuals and groups which were compiled
5 by these units and related bodies.

6 2. A finding of institutional sexism, racism and an
7 anti-working class, anti-democratic agenda in the police
8 and a requirement to address it effectively.

9 3. A recommendation that undercover or secret
10 political policing of progressive protest and
11 campaigning groups, including by Special Branch and the
12 Security Services, ceases and all such existing
13 specialist units are disbanded. Many are also calling
14 for an apology from the Government and appropriate
15 compensation to those most affected by the targeting
16 operations.

17 Thank you very much.

18 THE CHAIRMAN: Thank you very much indeed. You've kept well
19 within the time you've estimated. I'm grateful to you
20 for it. Thank you.

21 (5.03 pm)

22 (The hearing adjourned until 10.00 am on Wednesday,

23 22 February 2023)

24

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