

Wednesday, 15 October 2025

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09:58:28 2 (10.00 am)

09:58:31 3 Opening remarks

10:02:32 4 THE CHAIR: Good morning, everybody. This is the third and
10:02:34 5 last day of openings in part 1 of Tranche 3.

10:02:37 6 I will ask Mr Khan KC to begin.

10:02:44 7 MR KHAN: Good morning, sir. You know that I have a number
10:02:46 8 of opening statements to make and I will endeavour with
10:02:49 9 the time constraints to keep within those.

10:02:52 10 THE CHAIR: Yes.

10:02:52 11 Opening statement by MR KHAN

10:02:52 12 MR KHAN: Sir, I start with Suresh Grover and The Monitoring
10:02:53 13 Group. Sir, we are lead to believe that the policing of
10:03:00 14 citizens in the UK rests on a profound principle, that
10:03:03 15 police serve by consent. It is a principle at the very
10:03:06 16 heart of a mature democracy. The UK's Black communities
10:03:11 17 have never been afforded this right. When it comes to
10:03:14 18 alleged crimes by us, we are overpoliced, suffering
10:03:17 19 actions that lead to criminalisation and brutal
10:03:21 20 violence. Crimes against us are under policed and
10:03:25 21 under-resourced, lacking a professional and robust
10:03:29 22 approach.

10:03:29 23 Yet the lived experience of oppressed communities
10:03:33 24 and the evidence before this Inquiry shows that this
10:03:35 25 principle has been steadily eroded over time. Over

10:03:39 1 time, the Metropolitan Police has recast peaceful
10:03:43 2 protest and civil rights activism as threats to public
10:03:46 3 order. Those who dissent, those who challenge the
10:04:00 4 status quo are treated as subversive, even dangerous.

10:04:04 5 As early as the 1980s Special Branch intelligence
10:04:08 6 reports labelled the Southall Monitoring Group, later to
10:04:11 7 become known as The Monitoring Group, TMG, as
10:04:13 8 a political cell with a hidden agenda. These reports
10:04:17 9 suggested that TMG could become dangerous in times of
10:04:21 10 disorder, portraying their legitimate community work as
10:04:27 11 suspicious.

10:04:28 12 Intelligence reports and police attitudes portrayed
10:04:30 13 Mr Grover and The Monitoring Group as seeking to
10:04:33 14 deliberately discredit and dismantle the police force,
10:04:36 15 a depiction rooted in racist stereotyping. Criticism by
10:04:43 16 Black campaigners was treated with far more suspicion
10:04:46 17 than similar criticism by white professionals.

10:04:49 18 Mr Grover and The Monitoring Group relayed this
10:04:52 19 information to the Inquiry at the earliest opportunity,
10:04:55 20 in their opening statement in 2020. Hoping, sir, that
10:04:59 21 the Inquiry would examine the sorts of reasons for the
10:05:02 22 police filing of the group during the late 1980s.

10:05:06 23 It is to them disappointing to know that these
10:05:09 24 matters have not been comprehensively advanced by the
10:05:10 25 Inquiry.

10:05:11 1 Since 1976 Mr Grover has been a constant voice in
10:05:17 2 the fight against racism and anyone quality. In the
10:05:21 3 early 1980s he founded, as we say, the Southall
10:05:23 4 Monitoring Group to support victims, challenge injustice
10:05:27 5 and to hold institutions to account. Through
10:05:29 6 self-organisation and solidarity, Mr Grover and The
10:05:34 7 Monitoring Group have empowered this community to stand
10:05:37 8 up, to seek out and to seek justice. From the murder of
10:05:41 9 Kuldip Singh Sekhon in 1976 to scores of the latest
10:05:44 10 victims of the far-right riots last year.

10:05:47 11 Their campaigns, listed in detail in the written
10:05:50 12 submissions that you will have seen, have served as
10:05:54 13 independent checks on the power of the state. By
10:05:56 14 uncovering injustice and scrutinising public bodies
10:06:01 15 Mr Grover and The Monitoring Group have shone a light
10:06:05 16 where the police prefer darkness. Their ethos was and
10:06:08 17 is rooted in a lived experience of the history of Black
10:06:11 18 and other oppressed communities in the UK.

10:06:15 19 Communities that have long fought for dignity,
10:06:17 20 equality and the right to be heard.

10:06:20 21 In his witness statement, Mr Grover explains that
10:06:24 22 his support for Doreen and Neville Lawrence was
10:06:27 23 unconditional. He worked for the family, helping to the
10:06:31 24 build their campaign without seeking any personal
10:06:33 25 benefit. He became involved with the Lawrence family in

10:06:37 1 1993, supporting their private prosecution against
10:06:40 2 Stephen's killers and co-ordinating public messaging
10:06:44 3 through The Monitoring Group's resources. His role,
10:06:46 4 sir, was central throughout the court proceedings, the
10:06:50 5 inquest hearing in 1997 and the public inquiry in 1998,
10:06:54 6 helping to advance the family's objectives.

10:06:59 7 Yet while the police covertly focused its attention
10:07:03 8 on individuals like Mr Grover, campaigners for justice,
10:07:06 9 they repeatedly failed to confront the genuine threats
10:07:09 10 that were growing in plain sight. Sir, during the same
10:07:13 11 period, the far right was on the rise, groups such as
10:07:17 12 the National Front and the British National Party, BNP,
10:07:21 13 fuelled serious disorder and racially motivated violence
10:07:26 14 across Britain. Incidents like the battle of Lewisham
10:07:29 15 in 1977, Blair Peach's killing in 1979, mass arrests in
10:07:34 16 Southall, violent confrontations around British National
10:07:37 17 Party activity in Welling in 1993 and Oldham in 2001,
10:07:42 18 and, of course, David Copeland's nail bomb campaign in
10:07:45 19 1999 exposed the catastrophic cost of failing to monitor
10:07:49 20 far-right extremism.

10:07:51 21 So the contrast is stark. Those working to protect
10:07:55 22 communities were watched, monitored and maligned, while
10:07:59 23 those intent on harming them were ignored.

10:08:02 24 Recent incidents only reinforce this stark contrast.
10:08:06 25 In 2024, a police risk assessment was found to have

10:08:10 1 downplayed the threat posed by far-right groups whilst
10:08:17 2 prioritising surveillance and control of environmental
10:08:22 3 and pro-Palestinian protests. Across the country in
10:08:24 4 2025 large far-right marches led to serious clashes and
10:08:25 5 disorder yet these movements were met with far less
10:08:29 6 scrutiny and far less police surveillance.

10:08:31 7 It is, sir, a pattern that speaks volumes. Those
10:08:36 8 speaking to challenge injustice are too often treated as
10:08:41 9 a problem, whilst those spreading hatred and violence
10:08:44 10 are not treated as the threat they truly are.

10:08:48 11 Sir, it is now established through the disclosure
10:08:49 12 that Mr Grover and The Monitoring Group were subjected
10:08:53 13 to surveillance, suspicion, violence and attempts to
10:08:56 14 curtail their influence, rather than being recognised as
10:08:59 15 legitimate campaigners for justice and equality. That
10:09:02 16 being said, the MPS opening statement on Monday, only
10:09:06 17 now and far too late recognises that community
10:09:08 18 campaigning and family justice groups:

10:09:10 19 "Were engaged in legitimate activities, including
10:09:13 20 seeking to hold the MPS accountable and that although
10:09:16 21 they were on occasions involved in public protest, they
10:09:19 22 were not engaged in the type of serious criminal or
10:09:22 23 subversive activity that could justify long-term
10:09:25 24 undercover deployments."

10:09:28 25 Despite this belated acknowledgement, there is, sir,

10:09:31 1 not a single word of an apology from the MPS to

10:09:34 2 Mr Grover or his colleagues at The Monitoring Group.

10:09:38 3 What the police have not however acknowledged was

10:09:41 4 that this was not collateral surveillance but direct

10:09:44 5 targeted surveillance. How could it be anything but,

10:09:48 6 given the long history of surveillance on Mr Grover and

10:09:52 7 the organisation he founded. The MPS also now recognise

10:09:56 8 that their efforts and resources should have been:

10:09:59 9 "... spent on using non-intrusive methods to engage

10:10:03 10 more with community forums, properly resourcing the

10:10:06 11 prevention and investigation of racist violence and

10:10:09 12 repairing the relationship between the police and

10:10:11 13 minority ethnic communities."

10:10:13 14 That's precisely what Mr Grover has been advocating

10:10:16 15 for decades.

10:10:19 16 In this context, sir, Mr Grover urges you, this

10:10:21 17 Inquiry, to find that this pattern of unequal

10:10:24 18 enforcement, this persistent focus on Black activists

10:10:30 19 while minimising far-right threats reveals something

10:10:34 20 more deeper and more troubling and sinister. This

10:10:37 21 exposes a policing culture that too often views those

10:10:41 22 who stand against racism as more threatening than the

10:10:45 23 disorder they seek to prevent. This imbalance, this

10:10:48 24 distortion of priorities strikes to the very heart of

10:10:52 25 policing by consent and is precisely what this Inquiry

10:10:54 1 must confront.

10:10:55 2 Mr Grover further submits that the Inquiry's failure

10:10:58 3 to condemn police strategies targeting left-aligned

10:11:01 4 groups who supported Black communities while overlooking

10:11:05 5 the threat posed by far right and fascist organisations

10:11:08 6 reflects a culture of racism that goes beyond the police

10:11:11 7 force. Although Mr Grover's activism has been

10:11:15 8 longstanding and publicly visible, the disclosure

10:11:20 9 provided by this Inquiry begins only in 1998, leaving

10:11:23 10 unexamined decades of surveillance that had undoubtedly

10:11:28 11 occurred well before then, as we have already observed.

10:11:30 12 For example, a report to Special Branch dated

10:11:33 13 10 September 1998 describes Mr Grover as having

10:11:37 14 a chequered past. The same report goes on to analyse

10:11:40 15 his role in the Stephen Lawrence family campaign, even

10:11:45 16 suggests he risks losing support amongst his "Asian

10:11:52 17 power base".

10:11:52 18 This pattern of reporting demonstrates that officers

10:11:56 19 knew of Mr Grover's past and were monitoring his lawful

10:12:01 20 activism outside of the Stephen Lawrence family campaign

10:12:03 21 and naturally, sir, Mr Grover wants to know how these

10:12:06 22 opinions were formed and what intelligence were they

10:12:09 23 based on? In any event, the surveillance persisted.

10:12:13 24 Mr Grover recalls, for instance, being contacted by

10:12:15 25 MI5 operatives following the London bombings in 2005,

10:12:20 1 a moment that signalled the continuation of police
10:12:23 2 monitoring of his work with so-called "suspect
10:12:26 3 communities". He describes meetings with senior
10:12:28 4 officers who referred to intimate details of his
10:12:32 5 personal life, details that could only have obtained
10:12:35 6 through intrusive surveillance. These experiences, sir,
10:12:39 7 left Mr Grover in no doubt that his lawful campaigning
10:12:43 8 and community work were being treated not as
10:12:45 9 contributions to public safety, but as matters for state
10:12:49 10 suspicion.

10:12:50 11 As the Inquiry is aware, Mr Grover and The
10:12:53 12 Monitoring Group were co-ordinating the campaigns for
10:12:56 13 the families of Blair Peach, Ricky Reel and
10:12:59 14 Michael Menson, all of whom are involved in this
10:13:03 15 Inquiry. Mr Grover has learned that some of the
10:13:06 16 information disclosed to those families contains
10:13:09 17 meetings or events where he was present, yet this
10:13:11 18 information has not been disclosed to him.

10:13:15 19 Sir, the Inquiry, we submit, must not only address
10:13:18 20 these concerns but also ensure that any relevant
10:13:20 21 information is disclosed to Mr Grover and The Monitoring
10:13:23 22 Group going forward.

10:13:27 23 Sir, as Counsel to the Inquiry has rightly
10:13:30 24 acknowledged on Monday, in quotes:

10:13:34 25 "In Tranche 3 of issue of race will be particularly

10:13:37 1 prominent."

10:13:38 2 Racism is not merely a historical or abstract

10:13:42 3 concern for Mr Grover and The Monitoring Group, it is

10:13:45 4 central to the very purpose and methodology of their

10:13:49 5 work. Their work recognises that Black communities are

10:13:53 6 disproportionately affected by institutional failings

10:13:56 7 and addressing racism is central for justice campaigns

10:14:00 8 and effective activism. Mr Grover and The Monitoring

10:14:03 9 Group express frustration at how the issue of racism has

10:14:08 10 been totally dismissed or made invisible by this Inquiry

10:14:11 11 and they urge the adoption of the Macpherson definition

10:14:15 12 of "institutional racism", which, sir, is well

10:14:18 13 documented and requires no repetition here. I am sure

10:14:20 14 you are familiar with it.

10:14:22 15 Mr Grover has also seen evidence that HN 81,

10:14:26 16 "David Hagan" claims that he was trained to focus on

10:14:28 17 ethnicity, the authorisation for his deployment

10:14:31 18 explicitly references racially motivated crime as

10:14:35 19 a target. This demonstrates that racialisation was

10:14:38 20 built into the framework itself, even if individual

10:14:40 21 officers claimed to act neutrally. Senior management

10:14:43 22 within SDS and the Home Office failed to assess either

10:14:46 23 proportionality or accuracy. Authorisations were based

10:14:50 24 on broad racially charged grounds with no corrective

10:14:54 25 action to identify errors. This is not a series of

10:14:57 1 isolated mistakes, it reflects systemic deficiencies.

10:15:01 2 The surveillance of Black justice campaigns
10:15:04 3 underlines that racism was central to covert operations
10:15:07 4 under review. Sir, we submit that the Inquiry findings
10:15:11 5 must reflect this reality rather than accepting claims
10:15:14 6 of neutrality.

10:15:15 7 Remarkably, the terms of reference do not set out
10:15:17 8 a methodology for assessing whether covert policing
10:15:21 9 units were affected by institutional or systemic racism.
10:15:25 10 That omission matters for Mr Grover and The Monitoring
10:15:27 11 Group, because if, as Counsel to the Inquiry states,
10:15:33 12 race is to be a prominent issue in Tranche 3, then the
10:15:37 13 methodology for addressing it should be open, structured
10:15:40 14 and informed. Without that there is a serious risk that
10:15:42 15 the Inquiry will fail to recognise structural and
10:15:46 16 systemic racial bias in surveillance and intelligence
10:15:49 17 reporting.

10:15:50 18 Sir, this Inquiry can make a difference, the
10:15:54 19 difference, on this critical issue. You, Chair, from
10:15:56 20 the disclosure are now aware of the police reasoning for
10:15:58 21 police spying on the family campaigns. And its chilling
10:16:03 22 impact on those directly affected. We, Mr Grover and
10:16:06 23 The Monitoring Group, submit that these actions were
10:16:08 24 a deliberating act of smearing and sabotaging justice
10:16:11 25 and family campaigns. In these circumstances,

10:16:16 1 Sir William Macpherson and his advisers in the Lawrence
10:16:20 2 Inquiry would not have placed any emphasis on the
10:16:23 3 unwitting mode in defining institutional racism. The
10:16:28 4 police, we suggest, acted in a deliberately racist
10:16:32 5 manner and the spying was deeply immersed in this
10:16:35 6 culture. In this sense, it is the police force as
10:16:37 7 an institution that is dysfunctional and not just the
10:16:41 8 SDS.

10:16:42 9 Accordingly, sir, on the issue of racism, this
10:16:44 10 Inquiry, we submit, must find, first, that institutional
10:16:48 11 racism was entrenched in the authorisation, management
10:16:52 12 and oversight of undercover policing operations.

10:16:55 13 Second, that the failure to scrutinise racial
10:16:59 14 thinking in surveillance constituted a continuation of
10:17:01 15 that institutional failing.

10:17:03 16 Third, that the Inquiry's final report must adopt
10:17:06 17 explicitly and unequivocally the Macpherson definition
10:17:10 18 of institutional racism and assess all evidence
10:17:13 19 presented against it.

10:17:15 20 Anything less, sir, would be a further denial of
10:17:18 21 truth for those whose lives were so damaged by racially
10:17:22 22 motivated surveillance.

10:17:23 23 Moreover, and finally, for The Monitoring Group and
10:17:27 24 Mr Grover the Inquiry must confirm whether they,
10:17:31 25 Mr Grover and The Monitoring Group, have continued to be

10:17:34 1 under surveillance despite the demise of the SDS.

10:17:37 2 Sir, I then move on to the opening statement on

10:17:41 3 behalf of the Blacklist Support Group.

10:17:43 4 THE CHAIR: Before you do, may I attempt to ensure that we

10:17:51 5 are ad idem about the Macpherson definition of

10:17:55 6 institutional racism. In the report that I have read,

10:17:58 7 it was defined in these words:

10:18:00 8 "The collective failure of an organisation to

10:18:02 9 provide an appropriate and professional service to

10:18:06 10 people because of their colour, culture or ethnic

10:18:10 11 origin."

10:18:11 12 Are we speaking about the same thing?

10:18:14 13 MR KHAN: We are, indeed, sir. And the unwitting aspect is

10:18:16 14 to be deprecated as far as these proceedings are

10:18:20 15 concerned, this Inquiry is concerned. That's the point

10:18:23 16 that we seek to make. It is the question of -- that

10:18:26 17 this was unwitting, this was in Mr Grover and The

10:18:33 18 Monitoring Group's view direct racism targeted against

10:18:37 19 family campaigns and justice campaigns.

10:18:40 20 THE CHAIR: I can appreciate that that is a point of view

10:18:42 21 which plainly I have to investigate. But I don't at the

10:18:47 22 moment see how the Macpherson definition of

10:18:51 23 institutional racism, which deals with the provision of

10:18:56 24 appropriate professional service, can easily cover

10:19:00 25 an organisation such as the SDS, which was not providing

10:19:04 1 a service to people, other than the public generally in
10:19:09 2 their view, but was investigating and reporting on
10:19:13 3 activities.

10:19:16 4 MR KHAN: Sir, in the brief moment I have, I think the way
10:19:19 5 to look at it is to look at the decisions that were
10:19:21 6 made, the authorisations that were made, the aims,
10:19:26 7 objectives and all the others, whether those decisions
10:19:31 8 were made knowing or believing that they would
10:19:35 9 disproportionately impact upon Black communities.
10:19:39 10 That's the way that institutional racism works. It is
10:19:42 11 about not necessarily identifying overt racist language,
10:19:49 12 overt racist conduct, but the structure which was set up
10:19:53 13 which disproportionately affected Black individuals,
10:19:56 14 Black family campaigns, that is the way that
10:19:58 15 institutional racism operates.

10:20:01 16 It's not about identifying specific acts of racism,
10:20:04 17 but looking at the overall structure and ascertaining
10:20:06 18 whether that provided a disproportionate service to
10:20:09 19 Black communities.

10:20:11 20 THE CHAIR: Forgive me for interrupting you and please
10:20:13 21 continue.

10:20:15 22 MR KHAN: I welcome any exchange on this, but I am limited
10:20:21 23 by time, sir.

10:20:22 24 THE CHAIR: I am aware of it and your time will be extended
10:20:24 25 by the time that I have taken to interrupt you.

10:20:28 1 MR KHAN: Blacklist Support Group is the justice campaign
10:20:30 2 set up by union members victimised by construction
10:20:33 3 companies after the exposure of the Consulting
10:20:37 4 Association blacklist in 2009. Whilst the police have
10:20:41 5 publicly acknowledged their wrongdoing and apologised to
10:20:44 6 core participants in some areas under investigation by
10:20:47 7 this Inquiry, the spying on trade unions and
10:20:49 8 blacklisting itself remains highly contested by the
10:20:54 9 Blacklist Support Group.

10:20:56 10 Despite evidence to the contrary, police talk down
10:20:59 11 and in some cases deny that blacklisting of activists
10:21:01 12 took place. The Blacklist Support Group challenge the
10:21:04 13 police on this issue. Blacklist Support Group view
10:21:06 14 their participation in this Inquiry as an opportunity to
10:21:08 15 place into the public domain evidence of industrial
10:21:13 16 scale blacklisting of trade union and left wing
10:21:13 17 activists by the British State. Undercover police
10:21:18 18 officers infiltrated and spied on trade unions, SDS
10:21:21 19 officers reported on union meetings, union activists,
10:21:24 20 union campaigns and industrial disputes. Intelligence
10:21:26 21 reports were added to the Special Branch registry files
10:21:29 22 to the national domestic extremism database and were
10:21:33 23 forwarded to MI5 via Box 500.

10:21:36 24 Through official and unofficial routes police
10:21:40 25 intelligence, including from SDS undercover deployment,

10:21:42 1 was disseminated to Government departments, major
10:21:46 2 private sector employers and the unlawful blacklisting
10:21:49 3 bodies, the Economic League and the Consulting
10:21:51 4 Association. Sir, this is no longer conjecture by union
10:21:55 5 activists but instead a fact, evidenced by multiple
10:21:59 6 documents disclosed by this Inquiry and acknowledged by
10:22:04 7 Operation Reuben, which was the sub investigation within
10:22:07 8 Operation Herne. The police's own internal
10:22:10 9 investigation into state involvement in blacklisting
10:22:13 10 concluded:

10:22:14 11 "Police, including Special Branch and the Security
10:22:14 12 Services provided information to the blacklist funded by
10:22:16 13 the country's major construction firms, the Consulting
10:22:19 14 Association and other agencies, Operation Herne finds
10:22:23 15 this allegation is proven. Special Branches throughout
10:22:27 16 the UK had direct contact with the Economic League,
10:22:29 17 public authorities, private industry and trade unions."

10:22:33 18 Sir, the question for this Inquiry is not whether
10:22:37 19 undercover police intelligence was used to deny citizens
10:22:40 20 employment because of their activism, but what were the
10:22:45 21 mechanisms and what was the extent of UK state
10:22:48 22 involvement in blacklisting?

10:22:50 23 The Inquiry has, sir, promised to thoroughly
10:22:54 24 investigate spying on trade unions and blacklisting. In
10:22:57 25 so doing the Inquiry will hear witness evidence from

10:23:01 1 undercover SDS officers, Peter Francis, Mark Jenner and
10:23:05 2 Carlo Soracchi, all of who reported on perfectly lawful
10:23:10 3 trade union activity. These three officers alone
10:23:14 4 compiled reports on members of the construction unions,
10:23:15 5 UCATT, TGWU, NUJ, RMT, FBU, NUT, UNISON, PCS and others.
10:23:20 6 They reported on internal union elections and internal
10:23:24 7 union factions. As an example of this reporting,
10:23:27 8 Peter Francis said:
10:23:29 9 "In any political grouping, I would expect the
10:23:31 10 members of trade unions to have a political file ... The
10:23:35 11 subversive activity I witnessed firstly was the
10:23:37 12 positioning of members into unions in an attempt to
10:23:41 13 organise more industrial unrest."
10:23:42 14 But all the industrial disputes cited in Tranche 3
10:23:47 15 SDS reports are everyday examples of industrial action
10:23:50 16 to save jobs or recover unpaid wages, whilst these will
10:23:54 17 have undoubtedly impacted the economy, they could never
10:23:56 18 be equated with attempts at sabotage or overthrowing
10:24:02 19 parliamentary democracy. Why these disputes or
10:24:05 20 financial appeals printed by striking bricklayers or
10:24:09 21 rank and file union publications demanding better safety
10:24:12 22 on building sites would have been of interest to SDS in
10:24:16 23 their covert fight against subversion is unfathomable.
10:24:18 24 Unless of course, sir, gathering intelligence on union
10:24:24 25 activists was always an implied part of any SDS

10:24:27 1 deployment.

10:24:28 2 The Blacklist Support Group hopes and anticipates

10:24:31 3 that Tranche 3 will investigate why so much information

10:24:32 4 about trade union activism was recorded, why so many

10:24:35 5 unions have their own Special Branch registry files and

10:24:38 6 why these files have not been disclosed, even to NUM,

10:24:42 7 FBU and UNITE, all of whom are core participants in this

10:24:46 8 Inquiry.

10:24:48 9 The Blacklist Support Group hopes and anticipates

10:24:50 10 that the Inquiry will question Mark Jenner about joining

10:24:54 11 and spying on members of the construction union, Union

10:24:56 12 of Construction, Allied Trades and Technicians, and

10:24:58 13 question him about the leading role he played in rank

10:25:01 14 and file union campaigns, for example, the Building

10:25:04 15 Worker Group, the Brian Higgins Defence Campaign and the

10:25:08 16 Building Workers Safety Campaign. It is hoped and

10:25:10 17 anticipated that the Inquiry will question him as to why

10:25:13 18 he used his position to send letters to various trade

10:25:17 19 union branches. And why in 1995 he reported on a minor

10:25:21 20 industrial dispute in the London Borough of Southwark

10:25:25 21 involving Union of Construction, Allied Trades and

10:25:25 22 Technicians and Blacklist Support Group activist and

10:25:27 23 John Jones. Blacklist Support Group expect the Inquiry

10:25:30 24 to ask why he failed to mention it in his report and in

10:25:33 25 his witness statement that while on the Southwark picket

10:25:37 1 line he distributed flyers called for the elected union
 10:25:41 2 convener to be sacked.

10:25:43 3 The Blacklist Support Group hopes and expects that
 10:25:45 4 the Inquiry will question Carlo Soracchi about the
 10:25:52 5 accusation that he incited a group of union and
 10:25:54 6 anti-racist activists to petrol bomb a charity shop that
 10:25:59 7 he claimed was owned by an Italian fascist, including
 10:26:02 8 driving the activists in advance to investigate the
 10:26:02 9 premises and why these discussions do not appear on any
 10:26:04 10 reports he filed during his deployment. The Blacklist
 10:26:07 11 Support Group hope Soracchi is questioned about why he
 10:26:10 12 chose to live in the house of Steve Hedley, who was the
 10:26:13 13 former Assistant General Secretary of the RMT union and
 10:26:18 14 why he attended a picket line when Mr Hedley was
 10:26:23 15 dismissed from the CTRL construction project.

10:26:27 16 Sir, the central issue the Blacklist Support Group
 10:26:28 17 core participants invite you to investigate is the
 10:26:30 18 relationship, the close relationship between the police
 10:26:33 19 and business that were engaged in blacklisting. The
 10:26:35 20 task of dissemination of intelligence to industry was
 10:26:39 21 carried out by multiple police units outside of the SDS,
 10:26:44 22 Special Branch C-Squad, MPSB Industrial Section,
 10:26:47 23 National Extremism Tactical Coordination Unit, National
 10:26:48 24 Domestic Extremism Database, Met Police SO15, Operation
 10:26:48 25 Fairway and MI5, and the Government body UK Security

10:26:55 1 Vetting are all Government agencies heavily involved in
10:26:59 2 supporting industry with vetting job applicants.

10:27:03 3 A full investigation of police collusion in
10:27:06 4 blacklisting would require the Inquiry to thoroughly
10:27:10 5 investigate what happened to intelligence gathered by
10:27:12 6 SDS and the National Public Order Intelligence Unit once
10:27:16 7 they had left the SDS.

10:27:19 8 The sharing of intelligence about activists by MI5
10:27:21 9 and Special Branch with Government departments has been
10:27:23 10 accepted by numerous state witness in the Inquiry, yet
10:27:26 11 the police remain reticent about acknowledging that
10:27:30 12 private companies were also recipients of intelligence.

10:27:35 13 Peter Francis, though, has been prepared to be
10:27:37 14 candid, and he says:

10:27:41 15 "It was my understanding that our intelligence was
10:27:43 16 used to curtail subversive activity in the wider public.
10:27:48 17 That might be through reducing the opportunity for
10:27:51 18 subversive elements through employment checks,
10:27:53 19 (i.e. vetting, blacklisting). For example, the
10:27:57 20 Civil Service, BBC and certain companies had a direct
10:27:59 21 line of communication with Special Branch, for vetting
10:28:03 22 purposes, that prevented subversives getting into, or
10:28:07 23 achieving high positions within their organisations.
10:28:09 24 This was referred to as 'List X' companies in Special
10:28:12 25 Branch. The Special Branch files, and the intelligence

10:28:14 1 we updated within those files, were used."

10:28:17 2 The blacklist file of Frank Smith, a core
10:28:22 3 participant who will be giving evidence, states that
10:28:23 4 a bricklayer and union activist was "known as
10:28:27 5 a left-wing activist since the mid-1980s" and "under
10:28:33 6 constant watch". Peter Francis admits that he provided
10:28:38 7 intelligence about Mr Smith and the likely use to which
10:28:40 8 it was to be put.

10:28:42 9 He says this:

10:28:43 10 "I understood that both Special Branch and the
10:28:45 11 Security Services would want the intelligence about
10:28:47 12 Frank Smith agitating. I was aware from my time in
10:28:52 13 Special Branch that we had contacts within the building
10:28:55 14 trade who were likely to want to know that he was
10:28:57 15 an agitator and that it was likely that the information
10:28:59 16 would be passed on."

10:29:00 17 Sir, for decades the British State provided
10:29:03 18 a vetting service for the so-called list X companies.
10:29:07 19 The names of those companies remain unpublished, by
10:29:10 20 which a senior manager liaised with UK Security Vetting,
10:29:13 21 UKSV, this is the Government department that carries out
10:29:18 22 the State-sanctioned vetting process or directly with
10:29:20 23 another arm of the state to obtain security clearance
10:29:21 24 for their employees and subcontractors. UK Security
10:29:24 25 Vetting security vetting involves "a check of Security

10:29:28 1 Service records". These MI5 records, Special Branch
10:29:33 2 registry files and most likely the national domestic
10:29:36 3 extremism database were used in the UK Security Vetting
10:29:40 4 checks for almost all of the near 200,000 security
10:29:44 5 checks annually. This affect, sir, hundreds of
10:29:49 6 thousands of people, not just a few hundred core
10:29:51 7 participants in this Inquiry.

10:29:53 8 While UK Security Vetting does check applicants'
10:29:57 9 qualifications, criminal convictions and work visas,
10:29:59 10 there is also an explicit political aspect of vetting.
10:30:03 11 In 1994 John Major told Parliament:

10:30:09 12 "No one should be employed in connection with work
10:30:12 13 the nature of which is vital to the interests of the
10:30:14 14 state who is or has been involved in or associated with
10:30:17 15 any of the following activities. Actions intended to
10:30:21 16 overthrow or undermine parliamentary democracy by
10:30:25 17 political, industrial or violent means or is or has
10:30:29 18 recently been a member of any organisation which has
10:30:32 19 advocated such activities or associated with any
10:30:36 20 organisation or any of its members."

10:30:39 21 This, sir, is the very same definition of subversion
10:30:41 22 used to justify SDS spying on left-wing trade unions and
10:30:46 23 political activists. The Inquiry has already concluded
10:30:49 24 that this threshold was met by only three groups spied
10:30:53 25 on by SDS and the surveillance was not justified, yet

10:30:56 1 identical parameters were used for decades and are still
10:31:00 2 being used by the UK's official vetting procedure to
10:31:03 3 this day.

10:31:06 4 Sir, on Monday Counsel to the Inquiry, Mr Barr, said
10:31:09 5 this:

10:31:10 6 "The Consulting Association continued to be involved
10:31:13 7 in blacklisting throughout the Tranche 3 era. We will
10:31:16 8 continue, as we have to date, to look for evidence of
10:31:19 9 any links between SDS intelligence and those
10:31:21 10 blacklisted."

10:31:24 11 While this sentence may give the impression of
10:31:27 12 a continuation of an in-depth investigation, in
10:31:30 13 reality -- and with respect, sir -- the Inquiry's
10:31:33 14 examination of blacklisting has been to date superficial
10:31:38 15 at best. Not a single word on blacklisting or vetting
10:31:42 16 appeared in the 109 pages of the Inquiry's interim
10:31:47 17 report.

10:31:47 18 It is Blacklist Support Group's submission that the
10:31:49 19 Inquiry's current approach to the issue of blacklisting
10:31:52 20 is fundamentally flawed. Reference only to disclosed
10:31:56 21 Special Branch files, Operation Reuben and questioning
10:31:58 22 of a handful of ex-undercover officers and their
10:32:03 23 managers about blacklisting would result in findings
10:32:08 24 that are almost entirely reliant on a tiny number of
10:32:08 25 blacklist files and a narrow cohort of state actors.

10:32:14 1 Any conclusions based on extrapolating from fragmentary
10:32:18 2 documentary evidence and the failing memories of a small
10:32:20 3 number of police officers would be entirely
10:32:22 4 insufficient.

10:32:22 5 Sir, the failure to fully investigate blacklisting
10:32:25 6 is either a remarkable lack of curiosity or
10:32:29 7 an intentional self-imposed restriction of the Inquiry's
10:32:34 8 terms of reference. Either way, sir, it is against, we
10:32:38 9 submit, the public interest. In our submission, it is
10:32:41 10 a failure to fulfil the Inquiry's terms of reference as
10:32:43 11 laid out by Parliament.

10:32:45 12 Finally, sir, in relation to the Blacklist Support
10:32:47 13 Group, in September this year, you ruled that while
10:32:51 14 multiple police witnesses are invited to provide live
10:32:53 15 evidence and answer questions on blacklisting, as
10:32:56 16 a blacklisted activist, the secretary of the Blacklist
10:33:00 17 Support Group, Dave Smith, who we represent, would not
10:33:04 18 be allowed to give evidence. This, we submit, seems
10:33:08 19 indicative to Blacklist Support Group of the differing
10:33:12 20 attitude towards the value of evidence from police to
10:33:15 21 state witness as compared to the evidence of activists.

10:33:18 22 In correspondence with the Inquiry, your team
10:33:20 23 accepted that not a single word on blacklisting appeared
10:33:24 24 in the Inquiry's report, as we have said, but noted
10:33:26 25 this:

10:33:27 1 "Blacklisting may be addressed in future interim
10:33:31 2 reports or only in the final report of this Inquiry,
10:33:34 3 which will be published after all evidence has
10:33:36 4 concluded. Therefore criticism of the Chair's decision
10:33:39 5 making is misplaced."

10:33:41 6 As you know, sir, Mr Smith has initiated judicial
10:33:44 7 review proceedings and therefore blacklist group will
10:33:48 8 reserve its judgment about the Inquiry and whether it
10:33:50 9 holds any faith in the investigation until the
10:33:54 10 conclusion of the Inquiry hearings.

10:33:57 11 Sir, that completes the submissions on behalf of
10:34:00 12 Blacklist Support Group.

10:34:02 13 I move on then, please, to Baroness Doreen Lawrence.

10:34:10 14 The Metropolitan Police is broken and rotten,
10:34:17 15 suffering collapsing public trust and is guilty of
10:34:19 16 institutional racism, misogyny and homophobia. That was
10:34:24 17 the conclusion of the case report in 2023. Despite this
10:34:27 18 damning finding, the Commissioner Sir Mark Rowley
10:34:32 19 refused to accept this conclusion. Having vowed to
10:34:34 20 clean up the Met on 1 October 2025, the BBC Panorama
10:34:40 21 programme aired undercover footage displaying toxic
10:34:44 22 behaviour by police officers at a central London police
10:34:47 23 station.

10:34:47 24 One officer, whilst off duty, referred to
10:34:50 25 an immigrant who had overstayed his visa by saying:

10:34:53 1 "Either put a bullet through his head or deport him.
10:34:58 2 And the ones that shag women, rape women, you do the
10:35:03 3 cock and let them bleed out."
10:35:05 4 Asked to respond to the incident, the Commissioner
10:35:07 5 again refused to accept that the BBC's undercover
10:35:07 6 filming showed that the MPS was institutionally racist
10:35:11 7 and misogynist and refused to resign.
10:35:15 8 When Stephen Lawrence was murdered in 1993 and the
10:35:18 9 MPS was found to be institutionally racist, the then
10:35:23 10 Commissioner Paul Condon -- now Baron Condon, having
10:35:23 11 been made a life peer in 2001 -- also refused to accept
10:35:27 12 institutional racism or indeed resign.
10:35:30 13 In Baroness Lawrence's view we have come full
10:35:35 14 circle, with history repeating itself. In the T1
10:35:38 15 opening statement, Baroness Lawrence set out a number of
10:35:40 16 fundamental questions that demanded answers from this
10:35:42 17 Inquiry. She was bitterly disappointed that it has
10:35:47 18 taken some five years since then and ten years since the
10:35:50 19 Inquiry was set up and yet many of those questions
10:35:53 20 remain unanswered. Whilst prime responsibility for this
10:35:56 21 falls on the MPS, some fault lies with the Inquiry and
10:35:59 22 its decisions which have, in her view, favoured secrecy
10:36:02 23 over public accountability.
10:36:04 24 Many indeed key police officers such as HN 81
10:36:07 25 "Hagan" and HN 86, who should be required to face the

10:36:12 1 full glare of public scrutiny and who she wants to
10:36:16 2 confront, as she did the officers at the Macpherson
10:36:18 3 Inquiry, will be able to hide in cowardly fashion behind
10:36:23 4 anonymity, not appear at all or most shameful of all, as
10:36:29 5 we have heard on Monday, take the Inquiry to court for
10:36:31 6 trying to force them to give evidence. This is, in her
10:36:35 7 view, utterly disgraceful.

10:36:38 8 When Stephen lost his life at the hands of murderous
10:36:44 9 thugs in April 1993 it led to her becoming divorced from
10:36:48 10 her husband, whom she had been married to for 22 years.
10:36:52 11 It led to her suffering extraordinary painful mental ill
10:36:55 12 health, it led to her other two children not being able
10:36:59 13 to enjoy their childhood as they should have done. It
10:37:03 14 led to her having to fight for decades to get justice
10:37:05 15 and thereby losing her privacy which is so dear to her.
10:37:09 16 Baroness Lawrence never wanted the attention of
10:37:09 17 publicity, but she was forced to do this. It led to her
10:37:10 18 being harassed and vilified by certain members of
10:37:14 19 associate, who applauded those who killed her son and
10:37:18 20 shared their vile views. So that she has been and is
10:37:22 21 constantly looking over her shoulder.

10:37:24 22 She has constantly feared for her safety and that of
10:37:27 23 her children and grandchildren, so much so that she had
10:37:30 24 to move house constantly.

10:37:32 25 Sir, she asks how can this possibly be fair or

10:37:35 1 allowed to happen during an inquiry set up for and
10:37:38 2 intended to provide justice and redress for the victims?

10:37:43 3 Despite this, what Baroness Lawrence has now
10:37:45 4 discovered is that during the course of her grief she
10:37:49 5 was quite undeservedly and unlawfully spied upon by
10:37:53 6 those meant to serve and protect her and that this was
10:37:56 7 not only sanctioned but rewarded by those at the top.

10:38:00 8 Shortly after the announcement of the Inquiry by the
10:38:02 9 then Home Secretary Teresa May, a previous
10:38:06 10 Home Secretary who was in post at the time of these
10:38:08 11 events keenly sought out Baroness Lawrence and was at
10:38:11 12 pains to assure her that they were not involved and had
10:38:15 13 nothing to do with the activities alleged.

10:38:18 14 It will be in due course a matter for
10:38:20 15 Baroness Lawrence as to whether she names the individual
10:38:23 16 concerned when she gives evidence. At this stage she
10:38:27 17 does question why such an assurance by that person was
10:38:31 18 necessary, before any disclosure was made or any
10:38:34 19 evidence heard. But more significantly it confirmed to
10:38:39 20 her that the Home Secretary of the day was involved in
10:38:41 21 the matters under investigation at this Inquiry. What
10:38:45 22 she requires that all material relevant to why she was
10:38:50 23 spied on, for how long and who precisely gave the orders
10:38:52 24 to do it and what was made of the information obtained
10:38:55 25 should be disclosed to her and made known to the public.

10:38:58 1 More importantly, those responsible, whether they are
10:39:01 2 police officers of any rank or politicians holding any
10:39:03 3 position of state should be held accountable.

10:39:08 4 Whilst it has always been clear to the Black
10:39:12 5 community that racism exists in society and that it
10:39:16 6 infects the very heart of our institutions,
10:39:17 7 Baroness Lawrence remains convinced that this Inquiry
10:39:20 8 has failed to grasp this at all.

10:39:23 9 Sir, the history of the UK is clear. Black people
10:39:27 10 have been subjected to centuries of slavery, decades of
10:39:33 11 second-class citizenship, widespread legal
10:39:33 12 discrimination, economic persecution, educational
10:39:36 13 deprivation and cultural stigmatisation. Black people
10:39:42 14 have been bought, sold, killed, beaten, raped, excluded,
10:39:46 15 exploited, shamed and scorned for a very long time. The
10:39:51 16 word "racism" is hardly an adequate description of that
10:39:54 17 experience. And that experience continues to this day.

10:39:58 18 It was no different in 1993 when Stephen was killed.
10:40:01 19 He was one in a line of many who were murdered at a time
10:40:05 20 when south-east London was dubbed the racist murder
10:40:09 21 capital of the country. It is no wonder then that when
10:40:15 22 Stephen was murdered the police failed to investigate.
10:40:16 23 Baroness Lawrence and her family made their criticisms
10:40:17 24 known to the public, that the police considered them,
10:40:20 25 the Lawrence family, to be the problem. She and her

10:40:23 1 husband felt that they were treated by the police as
10:40:26 2 "gullible simpletons", fobbed off and patronised by
10:40:35 3 police officers. She articulated then the sense that
10:40:38 4 the police viewed black people universally as criminals
10:40:42 5 and that encountering a black family with no criminal
10:40:46 6 background was to them an alien concept. This led to
10:40:48 7 her and her family feeling they were not treated as
10:40:51 8 victims but rather as if they were themselves on trial.

10:40:54 9 Sir, such public criticism did not go unheeded.
10:40:57 10 Most notable was the shameful memo to Commissioner
10:41:00 11 Paul Condon in September 1993 from Deputy Assistant
10:41:03 12 Commissioner David Osland. He wrote:

10:41:07 13 "Our patience is wearing thin on 3 Area (south-east
10:41:07 14 London), not only with the Lawrence family and their
10:41:10 15 representatives, but also with self-appointed public and
10:41:14 16 media commentators."

10:41:17 17 There is no doubt, sir, that there was concern at
10:41:18 18 the highest level of the police that Baroness Lawrence
10:41:21 19 and her family were a problem. The fact that the
10:41:26 20 Lawrence family presented a problem to the police is
10:41:28 21 recorded into a report by Peter Francis, but it wasn't
10:41:31 22 just the public criticism that made Baroness Lawrence
10:41:34 23 a target of intrusive surveillance. Sir, this perhaps
10:41:38 24 addresses the point I was trying to make earlier, as
10:41:40 25 a consequence of the institutional racism identified by

10:41:43 1 Sir William Macpherson Baroness Lawrence and her family,
10:41:47 2 were not viewed or treated as victims, as already
10:41:50 3 stated, they were viewed and treated as the other, as
10:41:53 4 outsiders not deserving of justice and treated
10:41:56 5 accordingly. So just digressing briefly, it is that
10:41:59 6 process of institutional racism where the structures are
10:42:03 7 set up such that people like Baroness Lawrence are
10:42:06 8 treated as others and outsiders and not deserving of
10:42:09 9 justice which is key to understanding how institutional
10:42:12 10 racism works.

10:42:13 11 Baroness Lawrence considers that it is not only
10:42:16 12 apposite but necessary, essential for the Inquiry during
10:42:19 13 this tranche to examine whether those murders, including
10:42:21 14 that of Stephen, could have been prevented if the
10:42:24 15 Metropolitan Police had devoted as much time, money and
10:42:28 16 energy into the far right and racism in the area in
10:42:30 17 south-east London as it did in her case. If undercover
10:42:34 18 policing had been properly directed at racist gangs and
10:42:39 19 far-right groups which existed during the period of the
10:42:42 20 BNP's prominence in south-east London, could, she
10:42:45 21 wonders, the murder of Stephen Lawrence and other racist
10:42:48 22 attacks have been prevented?

10:42:50 23 The Inquiry has heard submissions this week from the
10:42:53 24 MPS that information obtained by them was the result of
10:42:58 25 collateral intelligence gathering. Sir, this position

10:43:00 1 is both untenable and unbelievable. For the following
10:43:04 2 reasons Baroness Lawrence submits that this assertion
10:43:07 3 must not be accepted and that the Inquiry ought instead
10:43:10 4 to make a positive finding that she was specifically
10:43:12 5 subjected to surveillance.

10:43:14 6 First, as set out above, the issue of institutional
10:43:18 7 racism within the police at the time, which must have
10:43:20 8 infected the SDS, meant that Baroness Lawrence was
10:43:23 9 directly targeted.

10:43:24 10 Secondly, the police had a motive to seek
10:43:27 11 information to counter the public criticism being made
10:43:29 12 of her.

10:43:31 13 Thirdly, Peter Francis's account that
10:43:33 14 Baroness Lawrence was directly targeted precisely fits
10:43:36 15 the above narrative.

10:43:38 16 Fourth, given the involvement of the Home Office,
10:43:40 17 the Commissioner, the seniority of officers involved and
10:43:44 18 the hierarchical nature of the MPS, the assertion by
10:43:47 19 officers like HN 81 that he in effect followed orders
10:43:49 20 confirms that surveillance was not collateral, but
10:43:53 21 directed from the very top.

10:43:55 22 Finally, it is an incontrovertible fact that there
10:43:58 23 was indeed direct surveillance during the first inquiry
10:44:00 24 by the MPS, which supports the fact that it had been
10:44:03 25 happening all along.

10:44:05 1 Sir, we have set this out in a bit more detail in
10:44:08 2 our written submissions, but Baroness Lawrence
10:44:10 3 deprecates the fact that some officers many years
10:44:13 4 later -- particularly in relation to interviews by
10:44:15 5 Ellison -- who sought to justify their actions of
10:44:17 6 surveillance on her, have asserted that it was done to
10:44:21 7 somehow protect her and her family from left-wing or
10:44:24 8 anarchist groups. This displayed a form of racism known
10:44:27 9 as the white savour complex, which are set out in our
10:44:30 10 written submission.

10:44:32 11 Which seeks to control the narrative that was and is
10:44:36 12 deeply damaging to its reputation. The Inquiry, we
10:44:39 13 submit, should reject it out of hand.

10:44:41 14 Most egregiously as far as Baroness Lawrence is
10:44:43 15 concerned is that not only did she not require so-called
10:44:47 16 protection from the Met, but that the same organisation
10:44:49 17 which was purporting to assist her was in fact breaching
10:44:53 18 her privacy and acting unlawfully.

10:44:55 19 This betrayal is compounded by the fact that the Met
10:44:58 20 was not the only organisation that was invading her
10:45:01 21 much-guarded privacy. In January 2022, as a result of
10:45:04 22 information from Prince Harry, the Duke of Sussex,
10:45:07 23 Baroness Lawrence became aware for the first time that
10:45:12 24 she had been the subject of unlawful information
10:45:13 25 gathering, known as UIG. This was through the use of

10:45:17 1 private investigators and by the Daily Mail newspaper.

10:45:21 2 Baroness Lawrence believes -- there yet to be

10:45:23 3 a trial on this -- that police officers, some of whom

10:45:26 4 were involved in the investigation into her son's

10:45:28 5 murder, were involved in that process. To put it

10:45:30 6 crudely, sir, she was spied on by the police and she was

10:45:34 7 spied on by the press.

10:45:37 8 It should be noted that Baroness Lawrence has

10:45:40 9 received countless apologies, too numerous to mention

10:45:44 10 here, from various officers of different ranks of the

10:45:47 11 Metropolitan Police, including belatedly one on Monday.

10:45:52 12 On hearing this apology Baroness Lawrence asked me to

10:45:55 13 write to Sir Mark Rowley, and I did. The letter I sent

10:45:59 14 reads as follows:

10:46:00 15 "Yesterday your counsel, Mr Skelton KC, admitted

10:46:03 16 that your officer's surveillance of her and her family

10:46:06 17 during the worst periods of her grief was unnecessary,

10:46:10 18 unjustified and wholly indefensible and he apologised to

10:46:13 19 her. It must have been readily known to your and you

10:46:16 20 predecessor that this appalling conduct was taking place

10:46:19 21 for a very long time and yet no commissioner nor you nor

10:46:23 22 anyone in the hierarchy of the Metropolitan Police had

10:46:26 23 the decency or courtesy of personally apologising to

10:46:30 24 her. Baroness Lawrence asks why was it that when this

10:46:33 25 conduct became known or when the Inquiry was set up

10:46:36 1 ten years ago or when your lawyers decided that there
10:46:38 2 was no justification or excuse for what your officer
10:46:40 3 did, that no one in the MPS thought it right or proper
10:46:44 4 to let Baroness Lawrence know. Why did she have to wait
10:46:47 5 to hear it from a lawyer over YouTube? If the conduct
10:46:51 6 of the SDS officers was indefensible and insensitive, so
10:46:56 7 has the approach of the MPS during this Inquiry by
10:46:59 8 failing to let her know or apologising for it."

10:47:03 9 Sir, literally within minutes of my submissions
10:47:04 10 I received a letter from John Saville, deputy assistant
10:47:08 11 commissioner special operations, who is writing in the
10:47:12 12 absence of Sir Mark, who says:

10:47:14 13 "It was felt that a full and personal apology would
10:47:18 14 be premature before the evidence is fully heard.
10:47:21 15 However, this should not have prevented us from being
10:47:24 16 clearer about our intentions, and stating that he is
10:47:27 17 truly sorry and that we are committed from learning from
10:47:31 18 this and continuing our efforts to rebuild trust."

10:47:35 19 Sir, Baroness Lawrence is grateful for that, but it
10:47:37 20 is far too late.

10:47:40 21 In the meantime, like all other apologies she has
10:47:43 22 received, Monday's apology arose not through any
10:47:48 23 voluntary act of contrition but after the offending
10:47:52 24 conduct had been found out. To that extent,
10:47:54 25 Baroness Lawrence considers the apology not worth the

10:47:57 1 paper it is written on. It was and has been made for
10:48:00 2 the Metropolitan Police's own selfish purpose and
10:48:03 3 without any meaningful remorse. Just a week ago
10:48:06 4 Baroness Lawrence and I had to painfully relive the
10:48:10 5 brutal murder of her son through the mouth of one of the
10:48:13 6 men who killed him. This man, who Baroness Lawrence
10:48:15 7 refused to name, was shamelessly seeking to pull the
10:48:19 8 wool over the eyes of the parole board by saying he was
10:48:23 9 no longer a racist and was sorry for what he did.
10:48:27 10 Neither of these statements could be further from the
10:48:28 11 truth. He was a coward for refusing to show his face
10:48:31 12 and he was a liar for not revealing what he really did
10:48:35 13 on the day Stephen died.

10:48:37 14 Sir, as offensive as this may sound, what
10:48:40 15 Baroness Lawrence saw and heard last week at the parole
10:48:45 16 board has echoes of what she has repeatedly heard from
10:48:48 17 the Metropolitan Police, that they are no longer racist
10:48:50 18 and only spied on her accidentally.

10:48:53 19 Baroness Lawrence does not believe a word of it.
10:48:56 20 The apology by the Metropolitan Police through their
10:48:58 21 counsel on Monday was, insensitive, impersonal, devoid
10:49:02 22 of contrition and Baroness Lawrence roundly rejects it.

10:49:09 23 You, sir, will be faced during this Inquiry with the
10:49:11 24 task in this tranche of determining the truth, including
10:49:14 25 as between various officers' accounts, most

10:49:17 1 significantly Peter Francis and those who seek to
10:49:20 2 undermine him. Baroness Lawrence remains appalled by
10:49:23 3 the admitted egregious and unlawful conduct of
10:49:27 4 Peter Francis. Whilst she commends his change of heart
10:49:30 5 and admission of wrongdoing and urges others who are to
10:49:34 6 give evidence to follow, she found the opening statement
10:49:38 7 by his counsel jarring in the extreme. She heard little
10:49:42 8 of his empathy and understanding of the undoubted
10:49:44 9 long-lasting impact of his conduct on those he spied on
10:49:51 10 and much, much more about the impact on him.
10:49:54 11 Baroness Lawrence sees a pattern in this Inquiry, with
10:49:56 12 police officer after police officer seeking and getting
10:49:59 13 protections from the Inquiry because of their so-called
10:50:02 14 ill health and/or harm to them, whilst the core
10:50:05 15 participants like her do not. What kind of topsy turvy
10:50:10 16 inquiry is this, asks Baroness Lawrence, where the
10:50:13 17 perpetrator police officers are treated as the victims.
10:50:16 18 It is not an exaggeration to suggest that
10:50:19 19 Baroness Lawrence has been deeply affected by all that
10:50:22 20 has happened to her since the murder of her son. She
10:50:25 21 lost her son. She lost her husband. She lost her
10:50:29 22 privacy. She lost the future she should have had and
10:50:33 23 only last week she was having to hear more lies and
10:50:36 24 fantasy from one of her son's murderers. She has been
10:50:41 25 failed repeatedly by the MPS, when they failed to

10:50:45 1 deliver justice for the murder of Stephen, then when
10:50:47 2 they spied on her and then when they were involved with
10:50:50 3 the press in doing the same.

10:50:52 4 She has been failed by the press, who have outwardly
10:50:55 5 supported her by publishing sensational headlines, at
10:50:59 6 the same time as spying on her.

10:51:01 7 She has been failed by the Independent Office for
10:51:04 8 Police Conduct and the Crown Prosecution Service in not
10:51:06 9 taking action against officers, who should have been
10:51:09 10 charged and/or disciplined. She's fed up with these
10:51:11 11 failures. During all of this she has had to fight,
10:51:15 12 fight the police and fight sections of the press. She
10:51:17 13 is tired of doing so. For once in her life, she wants to
10:51:20 14 believe that she need not fight and that justice will be
10:51:23 15 delivered.

10:51:24 16 Sir, that heavy burden now falls on you and this
10:51:27 17 Inquiry.

10:51:28 18 Thank you.

10:51:29 19 THE CHAIR: Thank you.

10:51:29 20 MR KHAN: Sir, I move finally to an opening statement from
10:51:32 21 Michael Mansfield KC and I note the time. Forgive me,
10:51:36 22 but I may go over. I apologise in advance. I wonder
10:51:40 23 whether you would be kind enough to allow me to do so.

10:51:46 24 THE CHAIR: I already indicated that you could have an extra
10:51:48 25 couple of minutes or so, because of the interaction

10:51:51 1 between us. Don't worry about a minute or two, please.

10:51:57 2 MR KHAN: It might be a bit longer than that, sir, given

10:52:00 3 what I have written, but I will try my best.

10:52:02 4 THE CHAIR: Thank you.

10:52:03 5 MR KHAN: Sir, these submissions are made on behalf of the

10:52:05 6 so-called "devil incarnate", also known as

10:52:08 7 Michael Mansfield KC. No doubt when SDS officers

10:52:13 8 described Mr Mansfield in this way they must have

10:52:15 9 thought that he might unleash hell, and he has done so.

10:52:18 10 He has spent almost 60 years of his professional life

10:52:21 11 doing just that: unleashing hell. He did so not on

10:52:25 12 their behalf but on behalf of the wrongly convicted, the

10:52:28 13 bereaved and those challenging state power. Few lawyers

10:52:31 14 in modern English legal history have matched

10:52:33 15 Mr Mansfield's impact on society and its systems. The

10:52:37 16 roll call of cases in which Mr Mansfield has been

10:52:38 17 involved is as legendary as it is inspiring, including

10:52:40 18 to me. He's an icon in the true sense of the word and

10:52:43 19 it is genuinely a privilege to be making these

10:52:46 20 submissions on his behalf. He is rightly described as

10:52:49 21 "a king of human rights work" by the Legal 500 and is

10:52:53 22 known as the "radical lawyer". His career has been

10:52:55 23 characterised by a dedication to representing groups

10:52:58 24 that do not find ready representation, often taking on

10:53:02 25 high profile and landmark cases. The list of those

10:53:05 1 would take more time than we are allowed, but they are
10:53:07 2 set out in our written submission and go as far back as
10:53:10 3 the 1970s, when representing the Angry Brigade and the
10:53:15 4 Price sisters. And then in 1990s the family of
10:53:19 5 Stephen Lawrence, up until his current involvement in
10:53:21 6 the Omagh Bombing Inquiry.

10:53:23 7 Given the nature of his amount of cases and the
10:53:25 8 extraordinary long period he has been involved in them
10:53:28 9 it is absurd to think that he only came to be spied upon
10:53:32 10 as part of some sort of collateral targeting. Our
10:53:35 11 submissions are very clear, Mr Mansfield was the subject
10:53:38 12 of direct, sustained and unlawful targeting by state
10:53:42 13 actors, including the SDS, for a very long time. His
10:53:45 14 speeches in various events are recorded in intelligence
10:53:48 15 reports spanning decades.

10:53:50 16 As Mr Mansfield noted in his T1 opening statement,
10:53:52 17 whilst he had "always been alert to the possibility that
10:53:56 18 he would be susceptible to some sort of surveillance, it
10:53:59 19 was still a shock to discover it not only involved him,
10:54:02 20 but even more egregiously his clients and their
10:54:05 21 communication".

10:54:07 22 It is clear that Mr Mansfield's professional legal
10:54:07 23 work was such a thorn in the side of the police and the
10:54:10 24 state that successive police forces, Secret Services and
10:54:14 25 governments considered him potentially subversive and

10:54:17 1 worthy of monitoring in one form or another.

10:54:20 2 As Peter Francis sets out in his Inquiry witness

10:54:24 3 statement, he would only record people in intelligence

10:54:26 4 reports who were deemed potentially subversive. Sir, we

10:54:30 5 submit that it is beyond perverse for the police to

10:54:33 6 label a lawyer engaged in his professional duties in

10:54:37 7 challenging their unlawful acts as subversive and for

10:54:40 8 them to then go on to unlawfully spy on him. It would

10:54:43 9 be laughable if it were not so serious. The gravity of

10:54:47 10 such conduct, whilst of immediate concern to

10:54:49 11 Mr Mansfield personally, of course pales into

10:54:53 12 insignificance compared to the damage it has caused to

10:54:55 13 his clients and the women who were so cruelly

10:54:58 14 traumatised by the SDS spies. The fact is that this

10:55:01 15 conduct was not an accidental or reckless consequence of

10:55:01 16 undercover policing; it was deliberate and unlawful.

10:55:06 17 The officers of the SDS were fully aware that they

10:55:08 18 were spying on a lawyer and they knew that in doing so

10:55:10 19 they were breaching legal professional privilege,

10:55:13 20 confidentiality. But they carried on nonetheless.

10:55:16 21 Indeed, the product of HN 81 "Hagan's" unlawful

10:55:20 22 spying during the first inquiry went to the very top,

10:55:22 23 the Commissioner and the government, the Met Police

10:55:24 24 unlawful activity was designed to secure them a tactical

10:55:28 25 advantage in the Macpherson Inquiry at the expense of

10:55:31 1 a bereaved family's quest for the truth. This
10:55:37 2 demonstrates how institutionalised this illegal activity
10:55:40 3 was. Those responsible need to be held to account.

10:55:43 4 Mr Mansfield adopts wholeheartedly the submissions
10:55:46 5 made by Baroness Lawrence and Suresh Grover rejecting
10:55:49 6 the assertion by some of the state witnesses that they,
10:55:52 7 along with him, were the consequence of collateral
10:55:55 8 surveillance. For the reasons set out by them and in
10:55:58 9 Mr Mansfield's written submissions such an assertion is
10:56:01 10 simply unsustainable and for the reasons set out in
10:56:04 11 Mr Peter Francis's opening statement his account should
10:56:06 12 be favoured on this point.

10:56:09 13 But it is no surprise then to see that there has
10:56:11 14 been a stinging attack on Peter Francis from the
10:56:11 15 Designated Lawyers team in their opening statement to
10:56:12 16 boldly assert that Peter Francis's allegations, as they
10:56:15 17 put them, are a mixture of fact, fiction and fantasy,
10:56:19 18 such that the allegations about racism and attempts to
10:56:22 19 smear the Lawrence family are and always were false.

10:56:25 20 Mr Mansfield would venture to suggest that there is
10:56:28 21 a wealth of material available to the Inquiry to show
10:56:31 22 that on the contrary Mr Francis's allegations about the
10:56:36 23 targeting of the Lawrence campaign were and are true.

10:56:40 24 One witness who could in theory shed further light
10:56:42 25 on Mr Francis's allegations about the targeting of the

10:56:42 1 Lawrence Family Campaign is obviously HN 81. However,
10:56:47 2 he will not be providing oral testimony to the Inquiry.
10:56:50 3 The Inquiry's decision to recuse him is shocking and is
10:56:55 4 to be deprecated. HN 81's absence from the Inquiry
10:56:58 5 undermines a fundamental basis for a transparent and
10:57:01 6 accountable public inquiry. Mr Mansfield's extensive
10:57:05 7 experience at public inquiries, Bloody Sunday,
10:57:09 8 Macpherson, Hillsborough, Grenfell and others is that
10:57:12 9 oral testimony is vital to get to the truth. It is said
10:57:15 10 that HN 81 suffers from mental health, well so do many
10:57:20 11 of the core participants in all these other inquiries
10:57:22 12 and indeed at this Inquiry, including many non-state
10:57:26 13 core participants, but also Peter Francis. In refusing
10:57:28 14 HN 81, the Inquiry has failed to consider that the
10:57:32 15 Inquiry is almost invariably set up as a result of
10:57:35 16 tragedy, with countless victims having suffered
10:57:39 17 unimaginable loss, and yet in these circumstances the
10:57:42 18 victims do and will give evidence and are and will be
10:57:44 19 deeply affected by reliving their trauma. HN 81 should
10:57:48 20 have been required to give evidence in person. His
10:57:51 21 absence is inexcusable.

10:57:53 22 HN 81's written evidence must now be forensically
10:57:57 23 tested and robustly challenged in the oral evidence of
10:58:00 24 other witnesses. In doing so, the Inquiry will have to
10:58:03 25 establish the answers to the many questions set out in

10:58:06 1 Mr Mansfield's written submissions, not least those
10:58:09 2 related decisions about who HN 81 was tasked to target
10:58:13 3 and why and who authorised such targeting.

10:58:16 4 We submit that these activities must have been
10:58:18 5 directed or authorised and approved by senior Met
10:58:21 6 officers and also by the Home Office and even cabinet
10:58:24 7 officials. It is disappointing to read that yet again
10:58:27 8 the Home Office is not meaningfully engaging with the
10:58:30 9 Inquiry during this tranche. The official Home Office
10:58:34 10 position is rather convenient, we say. They are
10:58:36 11 seemingly appalled by some of the SDS activities that
10:58:39 12 took place in this tranche, but:

10:58:41 13 "Whilst the Home Office appears to have remained
10:58:47 14 a recipient of indirect SDS intelligence, the Home
10:58:49 15 Office is unaware of any cogent evidence of direct
10:58:52 16 tasking of the SDS by the Home Office."

10:58:55 17 Political accountability is vital in the light of
10:58:58 18 decades of unlawful conduct by those who acted under
10:59:01 19 political control. The unlawful activities identified
10:59:04 20 above were not that of rogue officers but were part of
10:59:08 21 the institutional and state-sanctioned conduct. The
10:59:12 22 Inquiry cannot repeat the error in recusing HN 81 and
10:59:16 23 must call key supervisors, senior officers and
10:59:21 24 politicians in T3, P3. State witnesses should be
10:59:25 25 expected to give evidence in the spirit of Hillsborough

10:59:28 1 Law, all those affected deserve nothing less, candour
10:59:32 2 will go some way to ensure public confidence in the
10:59:35 3 police and will provide some sense of closure to those
10:59:38 4 who suffered and are still suffering.

10:59:40 5 Mr Mansfield, though, is not optimistic, the opening
10:59:43 6 statements of the Designated Lawyer team and the
10:59:45 7 Commissioner reinforce Mr Mansfield's concerns about
10:59:49 8 candour. While disappointed, Mr Mansfield is
10:59:51 9 unsurprised by the lack of candour and contrition by the
10:59:56 10 MPS and its former officers, because, as he sees it, as
10:59:59 11 has been said previously, the MPS is an organisation
11:00:02 12 that is still rotten to the core. We have seen the MPS
11:00:05 13 publicly condemn racism and malpractice and get exposed
11:00:07 14 for these same practices running rife through the
11:00:10 15 organisation.

11:00:10 16 Sir, on 25 May 2020, George Floyd, a 46-year old
11:00:15 17 Black man, died in Minneapolis in the US after a white
11:00:20 18 policeman knelt on his neck for almost nine minutes.
11:00:24 19 Shocking as that, but within weeks on 3 June a joint
11:00:29 20 statement was issued on behalf of the Chief Constable of
11:00:30 21 the UK Forces, the Chair of the National Police Chiefs'
11:00:30 22 Council, the Chief Executive of the College of Policing
11:00:34 23 and the President of the Police Superintendents'
11:00:37 24 Association, police leaders expressed their horror at
11:00:41 25 the way George Floyd had lost his life and said that

11:00:45 1 justice and accountability should follow.

11:00:47 2 Yet, sir, in the intervening period we have seen

11:00:49 3 numerous scandals enveloping the Metropolitan Police.

11:00:53 4 I am not going to repeat what I said earlier that we saw

11:00:57 5 shocking footage of the most vile racism at Charing

11:01:00 6 Cross Police Station and the comments of the

11:01:02 7 Commissioner, who still refused to accept institutional

11:01:05 8 racism in his force. The Commissioner's refusal is not

11:01:08 9 new. He's done it since and after the damning

11:01:14 10 conclusions in Baroness Casey's report. In light of

11:01:16 11 that, what chance then have any of the statements of

11:01:16 12 this Inquiry of owning up to their misogyny, bigotry,

11:01:18 13 racism and unlawful conduct. Sir, it is up to you to

11:01:22 14 ensure that they do.

11:01:24 15 Sir William Macpherson made the seismic finding that

11:01:27 16 the MPS was institutionally racist and proposed landmark

11:01:30 17 change, Mr Mansfield was of the view that you too,

11:01:37 18 Chair, will on the clear evidence disclosed similarly

11:01:40 19 reach the conclusion that the unlawful conduct of the

11:01:43 20 Metropolitan Police necessitates robust, far-reaching

11:01:45 21 findings and recommendations, including those related to

11:01:47 22 the Met's egregious disregard of legal principles and

11:01:51 23 the protection of lawyers and their clients who go about

11:01:55 24 their professional business. That is, sir, because

11:01:57 25 lawyers and judges and the rule of law are under

11:02:01 1 enormous threat.

11:02:02 2 Mr Mansfield made reference to this in his T1

11:02:04 3 opening statement. Since then, sir, you will have seen

11:02:07 4 and read we had had greater attacks on lawyers and the

11:02:10 5 rule of law, both internationally and domestically.

11:02:13 6 This, sir, is not a new phenomenon. What is new is that

11:02:17 7 this practice is proliferating in so-called democratic

11:02:21 8 states. One only has to look across the Atlantic to the

11:02:24 9 US, the purported leader of the free world, to see

11:02:27 10 populist leaders practising authoritarianism in

11:02:30 11 a democratic context. Safe in office, Donald Trump and

11:02:35 12 his government have placed restrictions on some lawyers

11:02:38 13 and law firms, including their ability to freely

11:02:42 14 represent clients, mostly because they have done legal

11:02:44 15 work that the President has opposed or they been

11:02:46 16 associated with prosecutors who have investigated him.

11:02:49 17 So too has emerged the right in the UK,

11:02:50 18 demonstrating the fragility of its democratic

11:02:56 19 credentials. There has been a wholesale attack on the

11:02:58 20 right to protest, with a seemingly continuous passage of

11:03:00 21 draconian legislation designed to chip away at that

11:03:03 22 fundamental freedom. At the same time as protest has

11:03:05 23 been criminalised, legislation is being passed which

11:03:09 24 allows for the granting of immunity for offences

11:03:13 25 committed by undercover operatives.

11:03:16 1 The legal profession itself has been targeted, the
11:03:18 2 rhetoric from our so-called political leaders is
11:03:21 3 fuelling attacks on the legal profession and lawyers
11:03:23 4 themselves. Politicians from the Conservative Party
11:03:26 5 have and continue to publicly demonise so-called
11:03:29 6 activist lawyers, while the language of the far right's
11:03:32 7 increasingly popular Reform Party is even more extreme.

11:03:35 8 Sir, you may have read only a few days ago the Bar
11:03:39 9 Council for England and Wales, the Law Society of
11:03:42 10 England and Wales, the Law Society of Scotland, the
11:03:46 11 Faculty of Advocates, the Bar of Northern Ireland and
11:03:46 12 the Law Society of Northern Ireland, representing
11:03:47 13 a quarter of a million lawyers, came together to
11:03:50 14 publicly express grave concern about the climate of
11:03:53 15 increasing hostility towards lawyers and judges.

11:03:57 16 The unprecedented statement accused politicians of
11:04:00 17 "irresponsible and dangerous" language that puts lawyers
11:04:05 18 at risk. The statement says that such language and
11:04:08 19 statements "weaken public trust and confidence in the
11:04:11 20 rule of law and erode the very foundations of justice
11:04:14 21 that underpin fairness and democracy".

11:04:17 22 It further reads:

11:04:18 23 "Barristers, solicitors and judges have been
11:04:21 24 subjected to violence, death threats and rape threats,
11:04:24 25 some have faced threats to their family members, we have

11:04:25 1 repeatedly seen law firms and offices be set upon by
11:04:28 2 protesters. We are deeply disturbed by this rising tide
11:04:33 3 of intimidation targeting those who serve our justice
11:04:36 4 system and uphold democratic principles. Lawyers should
11:04:39 5 never suffer adverse consequences because they identify
11:04:43 6 with their clients or their clients' causes. Lawyers
11:04:48 7 are not their clients, nobody is above the law,
11:04:49 8 including politicians, nobody is beneath the law's
11:04:54 9 protections."

11:04:54 10 Although there are unique features to the current
11:04:56 11 attacks on democratic norms in the UK, the Inquiry
11:04:58 12 disclosure shows that the targeting of lawyers has been
11:05:01 13 happening here for decades. Until recently it took
11:05:03 14 place in secret. It is now being exposed. Lawyers like
11:05:06 15 Mr Mansfield who opposed or challenged the state were
11:05:10 16 labelled subversives and spied upon. It is not the case
11:05:12 17 yet, sir, that they have been stopped from freely
11:05:17 18 representing clients or had restrictions placed on them.
11:05:20 19 It may be only a matter of time before that happens.

11:05:22 20 I end with this, sir.

11:05:25 21 Lawyers will continue to be at the forefront of
11:05:27 22 challenging draconian powers of the state. For
11:05:31 23 Mr Mansfield it has been his life's work, challenging
11:05:34 24 state power, advocating for the vulnerable, upholding
11:05:38 25 civil liberties. This Inquiry, sir, should not only

11:05:41 1 recognise that such conduct should never have been the
11:05:44 2 subject of police surveillance and those responsible
11:05:46 3 held to account, but that it is vital, it is critical,
11:05:50 4 it is necessary that in any democracy it must be
11:05:53 5 protected at all costs.

11:05:55 6 Sir, I apologise for going over time. Thank you for
11:05:57 7 your patience and your consideration.

11:06:01 8 THE CHAIR: In the light of your concluding remarks, you and
11:06:05 9 I certainly look forward to hearing from one of those
11:06:09 10 identified this afternoon.

11:06:13 11 MR KHAN: Thank you very much.

11:06:19 12 THE CHAIR: We will rise for ten minutes.

11:06:22 13 (11.06 am)

11:06:27 14 (A short break)

11:15:46 15 (11.16 am)

11:16:10 16 THE CHAIR: Yes, Mr Wood. Can you hear me?

11:16:17 17 MR WOOD: I can.

11:16:18 18 THE CHAIR: I can hear you. Please begin your opening
11:16:21 19 submission.

11:16:21 20 MR WOOD: Thank you very much, sir.

11:16:22 21 Opening statement by MR WOOD

11:16:22 22 MR WOOD: I have been allotted one hour. Our written
11:16:24 23 opening stretches to some 55 pages, primarily I should
11:16:29 24 say the work of my very able junior, Lily Lewis.

11:16:38 25 Therefore in this address I am going to summarise

11:16:40 1 large parts of that document. I want to start by way of
11:16:44 2 introduction by asking that a photograph be put up, OS1,
11:16:48 3 of Sukhdev Reel holding the book with a photograph of
11:16:52 4 her son, please, upon the screen. Can that please be
11:16:55 5 done.

11:17:01 6 Sir, in this Tranche 3 period we represent those
11:17:05 7 involved in justice campaigns who were the object of
11:17:08 8 unlawful, unjustified, police undercover surveillance.
11:17:11 9 This surveillance took place in the context of
11:17:12 10 a Metropolitan Police -- who I will refer to in this
11:17:17 11 opening as the Met, without, I hope, disrespect -- that
11:17:20 12 was systematically at that time failing those it was
11:17:25 13 entrusted to serve and protect. Particularly Black and
11:17:29 14 Asian communities.

11:17:32 15 Sukhdev Reel sets the scene with her description.
11:17:36 16 She says the 1990s was a time of numerous racial attacks
11:17:41 17 and murders, and a series of failed racist corrupt
11:17:46 18 police investigations of those crimes. The police came
11:17:49 19 under increased scrutiny and justified criticism for
11:17:54 20 them. And thus pressure.

11:17:57 21 When eventually the authorities decided to examine
11:18:00 22 the police failings, through the Macpherson Inquiry into
11:18:04 23 the murder of Stephen Lawrence, its critics were finally
11:18:11 24 being listened to and the Met's reputation was at risk.

11:18:15 25 Can we take down OS1, please.

11:18:20 1 Sir, in paragraphs 2 and 3 of our introduction we
11:18:23 2 identify the key findings of Sir William Macpherson in
11:18:28 3 the Stephen Lawrence Inquiry, who in 1999 confirmed what
11:18:34 4 many Black and Asian Londoners already knew, that
11:18:38 5 pernicious and persistent institutional racism existed
11:18:46 6 within the force. We say this racism permeated the
11:18:50 7 force and all its activities, including those in the
11:18:53 8 Special Branch and the SDS.

11:18:56 9 The core participants that we represent urge you to
11:19:01 10 interrogate the way in which this entrenched racism led
11:19:05 11 to their targeting, and we invite you, sir, to identify
11:19:08 12 the SDS for what it was: a racist, undemocratic
11:19:16 13 political policing unit that was hugely wasteful of
11:19:19 14 public resources and should never have existed.

11:19:24 15 Sir, I move to thumbnail sketches of the
11:19:27 16 core participants who we represent. All were at the
11:19:32 17 sharp end of police racism and defensiveness that
11:19:37 18 characterises this chapter of the Met's history.

11:19:42 19 Can we have photo OS2, please, up on the screen?
11:19:47 20 This is a photo of Michael Tachie-Menson. MWS and MSS
11:19:57 21 are two members of the family campaign for justice for
11:20:00 22 him, who participate in this Inquiry anonymously. They
11:20:07 23 lost Michael in the most harrowing of circumstances. He
11:20:10 24 was attacked by a racist group, who set him on fire and
11:20:15 25 left him to die. He suffered terrible burns, which

11:20:19 1 covered 30 per cent of his body. He later died in
 11:20:24 2 hospital due to his injuries.

11:20:28 3 He told family members from his hospital bed that he
 11:20:33 4 had been the subject of a racist attack, but
 11:20:37 5 investigators from the Met maintained, for reasons best
 11:20:41 6 known to themselves, that he had set himself on fire and
 11:20:45 7 they therefore wholly failed to investigate the
 11:20:47 8 circumstances of his death. The family have always
 11:20:50 9 suspected that police racism played a significant part
 11:20:53 10 in this approach.

11:20:56 11 Indeed, it was only after Michael's inquest in
 11:20:59 12 September 1998 had returned a verdict of unlawful
 11:21:03 13 killing that the Met admitted that a serious mistake had
 11:21:07 14 been made.

11:21:09 15 The campaign for justice led by Michael's family put
 11:21:13 16 pressure on the police to reinvestigate and, sir,
 11:21:17 17 ultimately it was this that led to the conviction of
 11:21:20 18 three men for murder and manslaughter in 1999.

11:21:25 19 Sir, in their campaign MWS and MSS were subjected to
 11:21:32 20 unlawful intrusive undercover policing.

11:21:37 21 Can we please take down OS2, please, and put up OS3.

11:21:44 22 Sir, Sukhdev and Tish Reel are the mother and sister
 11:21:52 23 of Lakhvinder Reel, known as Ricky.

11:21:57 24 Exactly 28 years ago yesterday, on 14 October 1997,
 11:22:06 25 Ricky went missing on a night out with friends.

11:22:10 1 Immediately after his disappearance the police were made
11:22:13 2 aware that Ricky had been racially abused and assaulted
11:22:19 3 by two white men. Yet again the Met failed to carry out
11:22:25 4 investigations into the attack. Ricky's body was
11:22:28 5 recovered from the River Thames a week after his initial
11:22:32 6 disappearance. Despite evidence of the racist attack
11:22:36 7 police maintained that his death was accidental and
11:22:43 8 failed to carry out any adequate investigation. The
11:22:45 9 family, sir, have always believed this failure was
11:22:48 10 a result of police racism.

11:22:50 11 They started their movement to raise public
11:22:54 12 awareness of the case and in a desperate attempt to
11:22:58 13 improve the police investigation, their campaigning
11:23:01 14 involved numerous investigations by them, discussions of
11:23:05 15 the case in the House of Commons and significant public
11:23:10 16 support for the family's justice campaign. But sadly,
11:23:13 17 we say on account of the police's initial investigative
11:23:16 18 failures, they have never been able to uncover the full
11:23:20 19 truth of the circumstances of Ricky's death.

11:23:24 20 Sir, they, too, and their campaign were also the
11:23:28 21 subject of intrusive unlawful undercover policing.

11:23:34 22 Can we please take down OS3 and put up what
11:23:38 23 I believe is the second page of OS10.

11:23:43 24 Sir, the Movement for Justice, MFJ for short, was
11:23:49 25 founded by students of Kingsway College in Camden in

11:23:57 1 1995, following a near fatal racist attack on Shah Alam.

11:24:03 2 You can see the campaign poster of that on the screen.

11:24:07 3 Shah Alam lived in Poplar in east London. Despite the

11:24:11 4 campaign for justice which followed, his racist

11:24:14 5 attackers were never convicted. That campaign led to

11:24:18 6 a group of students to discuss the need for a campaign

11:24:21 7 that did not just respond to individual cases of

11:24:24 8 injustice, but which could draw out wider lessons and

11:24:29 9 build a broader movement against racism.

11:24:32 10 You can take the photo down now, please.

11:24:40 11 The campaign focus broadly can be summarised as

11:24:43 12 anti-racism and immigrant rights. Movement for Justice,

11:24:48 13 was born as an open organisation with no formal

11:24:52 14 membership process. They met weekly and campaigned on

11:24:55 15 specific issues, such as police racism, deaths in

11:25:00 16 custody and the rights of those seeking asylum, as well

11:25:04 17 as supporting family justice and other campaigns.

11:25:07 18 They too, sir, we suggest were the subject of

11:25:11 19 unlawful and intrusive undercover policing.

11:25:16 20 Sir, Alex Owolade is an anti-racist campaigner and

11:25:22 21 trade unionist. He was one of the founding members of

11:25:27 22 Movement for Justice in 1995. He has also been active

11:25:31 23 in a number of other justice and anti-fascist campaigns,

11:25:35 24 including leading lesbian and gay campaigns against

11:25:40 25 racism and fascism and taking part in the Friends of

11:25:43 1 Roger Sylvester campaign.

11:25:46 2 Sir, he was an active member of Movement for Justice

11:25:52 3 and he, too, was the object of unjustified and unlawful

11:25:56 4 undercover policing.

11:25:58 5 Sir, so too was Karen Doyle. She worked for many

11:26:03 6 years as a mental health and disability adviser and

11:26:05 7 support worker in the NHS, as well as the education and

11:26:09 8 charity sectors. She's now a trainee solicitor working

11:26:13 9 in immigration and public law. From a young age she had

11:26:17 10 a strong commitment to stand up against injustice and

11:26:21 11 became involved in the Kingsway Anti-Fascist Group, and

11:26:26 12 following the racist attack on Shah Alam she was

11:26:31 13 a founding member of Movement for Justice and remained

11:26:33 14 actively involved with the group until 2022.

11:26:36 15 Sir, each of these core participants campaigned for

11:26:46 16 justice, against racism and to expose police failings

11:26:49 17 and were the subject of unlawful surveillance. They

11:26:52 18 worked tirelessly to hold the Met to account for the way

11:26:55 19 in which it failed Black and Asian communities and

11:27:05 20 campaigned to expose the truth about actions and

11:27:07 21 inactions.

11:27:08 22 Sir, in paragraphs 7 to 13 of our opening, these

11:27:11 23 core participants placed before you the terrible impact

11:27:14 24 that the SDS surveillance has had on them, including,

11:27:18 25 sir, trauma that continues to this day. If they can

11:27:24 1 emphasise one point in this opening statement to you,
11:27:28 2 sir, it is the unimaginable impact that these events
11:27:33 3 have had on them.

11:27:35 4 For them, the failures in police investigations into
11:27:39 5 their loved ones' deaths piled insult upon grief. It
11:27:45 6 has doubled their trauma and suffering. But this was
11:27:48 7 further compounded by the realisation that they were
11:27:52 8 being spied upon. It was, they felt, a gross betrayal.

11:27:59 9 I cite in the written opening Sukhdev Reel's
11:28:04 10 account, but you, sir, will hear from her and see her,
11:28:09 11 and I suspect really feel it from her when she gives
11:28:13 12 evidence in person to you about how this has terribly
11:28:18 13 affected her.

11:28:21 14 MSS describes how learning the extent of the
11:28:24 15 intrusion has left deep psychological wounds, and how
11:28:28 16 they live with symptoms of PTSD as a result.

11:28:34 17 All these core participants express a strong sense
11:28:37 18 of injustice and disbelief at the large sums of money
11:28:42 19 spent on funding SDS intrusions into their campaigns
11:28:47 20 whilst they, as we will see, were being told resources
11:28:51 21 were limited for investigations for their loved one's
11:28:56 22 deaths.

11:28:57 23 Sir, Tish Reel puts it like this:

11:29:04 24 "At a time when we were begging the police to invest
11:29:07 25 more resources, more time, more commitment to

11:29:09 1 investigate what happened to my brother, I now find out
11:29:14 2 that resources were instead being siphoned off for
11:29:18 3 illegal, undercover spying of my family."

11:29:24 4 Karen Doyle expresses it like this:

11:29:26 5 "I remain disgusted knowing that while Black and
11:29:32 6 Asian communities were facing down a daily gauntlet of
11:29:38 7 violent racist fascists and police harassment and
11:29:42 8 brutality, the police thought instead of examining
11:29:47 9 themselves or trying to improve their responses to
11:29:50 10 racist attacks that they would target the victims
11:29:54 11 instead."

11:29:54 12 Sir, I move to chapter 2 between paragraphs 14 and
11:29:59 13 84 of our opening. It is headed "Police spying on
11:30:03 14 justice campaigns". It will involve a slightly more
11:30:07 15 detailed examination of each of the three campaigns who
11:30:10 16 we act for.

11:30:11 17 Sir, I start with the family campaign for justice
11:30:13 18 for Michael Tachie-Menson. I am going to ask that
11:30:18 19 photograph OS4 is put up on the screen.

11:30:23 20 You will see when it comes up, sir, that Michael is
11:30:26 21 on the right and this is his band. Michael is described
11:30:32 22 by his family as a gentle, natural, quiet, caring man,
11:30:37 23 with a strong faith and high values. He was
11:30:42 24 a successful musician, and performed in the popular
11:30:48 25 group you can see there "Double Trouble".

11:30:50 1 The photo can now be taken down.

11:30:53 2 In his late 20s he also experienced mental health

11:30:56 3 difficulties, for which he received treatment. As

11:30:59 4 I said, the attack on Michael was on 28 January 1997,

11:31:04 5 when he was 30 years old. Before he died from his burns

11:31:10 6 on 13 February 1997, he had told four family members and

11:31:15 7 friends that he had been attacked. However, the family

11:31:18 8 were told repeatedly by the Met officers that Michael

11:31:21 9 had set fire to himself. Officers refused to take

11:31:25 10 evidence from Michael directly before he died. The

11:31:28 11 family felt very strongly that the initial police

11:31:31 12 investigation was wholly inadequate, and that the police

11:31:36 13 were not treating Michael's death with the seriousness

11:31:39 14 that it deserved, and that his death was being afforded

11:31:44 15 differential treatment by the Met had to be due to the

11:31:51 16 colour of his skin.

11:31:52 17 Sir, I am going to ask that photograph OS5 is put

11:31:56 18 up.

11:32:00 19 As a result, family members formed the campaign.

11:32:03 20 The campaign banner is displayed in that photograph. In

11:32:07 21 the words of MWS, they say:

11:32:12 22 "From a very early stage, we formed the view that

11:32:15 23 the police were letting us down. And without us doing

11:32:19 24 something about it, the investigation into Michael's

11:32:22 25 death would fail. The family realised that we had to do

11:32:27 1 something about this. The campaign did not have
11:32:31 2 a formal name, but its objective was clear. It was all
11:32:36 3 about getting justice for Michael. It had no political,
11:32:41 4 big or little P, objective."

11:32:45 5 You can take down the photograph, thank you very
11:32:46 6 much.

11:32:48 7 Those, sir, involved in the campaign conducted it in
11:32:52 8 a lawful and dignified way. They carried out leaflet
11:32:58 9 appeals for witnesses, contacted their local MP and
11:33:02 10 appealed to local and national media. However, they
11:33:06 11 soon discovered that often journalists had been
11:33:11 12 contacted by police first and then briefed with a false
11:33:15 13 narrative that Michael had set himself on fire. They
11:33:19 14 found that they were faced with an immense hurdle to
11:33:24 15 overcome, a narrative set by the police, which appeared
11:33:28 16 aimed at discrediting the campaign. Drawing attention,
11:33:32 17 for example, to Michael's mental health problems and
11:33:36 18 drawing attention away from police failings.

11:33:40 19 In the words of MWS, they faced a deliberate and
11:33:45 20 calculated attempt to mislead the media, and that the
11:33:51 21 media were told there was no story and that the police
11:33:56 22 were treating the incident as suicide.

11:34:01 23 Sir, in September 1998, an inquest before a jury
11:34:06 24 finally took place into Michael's death. The Met
11:34:12 25 aggressively pursued the line that Michael may have

11:34:15 1 killed himself and that there was nothing wrong with the
11:34:17 2 police investigation. Sir, later a Police Complaints
11:34:21 3 Authority report found that the investigating officers
11:34:28 4 passed information to the Coroner prior to the inquest,
11:34:31 5 which indicated -- and I quote from it -- "a leaning
11:34:38 6 towards suicide as the possible cause of death", and
11:34:41 7 also information which "clearly had the potential to
11:34:46 8 suggest to the Coroner that this was a family of
11:34:49 9 trouble-makers and Michael was mentally unstable".

11:34:56 10 Throughout the inquest the family were told by
11:34:59 11 journalists that the Met press team continued to
11:35:04 12 propagate the line that Michael's death was a suicide,
11:35:08 13 and to minimise any suggestion of inaction by police
11:35:12 14 investigators.

11:35:16 15 After a week of evidence, the jury returned
11:35:19 16 a conclusion of unlawful killing.

11:35:23 17 I am going to ask that a brief extract, OS6, of
11:35:26 18 a Channel 4 broadcast on the evening be played at this
11:35:31 19 stage, please.

11:35:49 20 (Video clip played)

11:36:30 21 Thank you very much. You can take it down.

11:36:32 22 Thank you.

11:36:34 23 Sir, that same day, after that unlawful killing
11:36:39 24 verdict, the Met issued a public statement regretting
11:36:44 25 that only in the first 12 hours they had treated

11:36:49 1 Michael's death as self-immolation. However, we note no
11:36:57 2 admissions were made then or indeed now in relation to
11:37:01 3 the failings of the police investigation after that
11:37:04 4 12-hour period.

11:37:08 5 Despite the inquest verdict, parts of the force and
11:37:11 6 the wider policing community continued to assert that
11:37:14 7 Michael most likely died by suicide and that there was
11:37:18 8 nothing wrong with the initial police investigation. As
11:37:24 9 an example of the tenor of the police response in this
11:37:27 10 period, MWS and MSS exhibited that full Channel 4 News
11:37:35 11 interview.

11:37:36 12 Sir, I am going to ask that a second passage be
11:37:39 13 played from that. It is OS7, sir. It is a police
11:37:47 14 representative from the Police Federation, who
11:37:51 15 immediately after the inquest still propagated publicly
11:37:59 16 the line that Michael's death may have been suicide or
11:38:03 17 unexplained. Let's listen to it.

11:38:11 18 (Video clip played)

11:39:03 19 Thank you very much. That will do.

11:39:07 20 Sir, that Michael's death was self-inflicted or
11:39:12 21 unexplained was the narrative the police put forward in
11:39:15 22 the inquest to protect itself and undermine the
11:39:18 23 campaign. Sir, the views articulated there were views
11:39:22 24 that many in the police force held at the time, and it
11:39:26 25 is worth emphasising that these comments made there were

11:39:31 1 made on the day of the inquest's conclusion, by a senior
11:39:35 2 representative of rank and file police who was not
11:39:39 3 present at the inquest but that had evidently been
11:39:45 4 briefed to do down the inquest conclusion and to dampen
11:39:50 5 criticism of the police.

11:39:51 6 This, sir, is one example amongst many of the Met
11:39:57 7 doubling down on a narrative that served their
11:40:01 8 reputational aims, prioritising damage control at the
11:40:05 9 expense of truth and openness and refusing to accept
11:40:08 10 their failings until they absolutely have to.

11:40:14 11 Sir, following the findings of the inquest and the
11:40:17 12 involvement of the Home Secretary Jack Straw on
11:40:20 13 3 November 1998, the family were told on 4 November that
11:40:25 14 John Grieve and his newly created Racial and Violent
11:40:28 15 Crime Task Force were taking over responsibility for the
11:40:33 16 investigation.

11:40:34 17 Sir, on 9 March 1999 two suspects were arrested and
11:40:40 18 subsequently charged with Michael's murder and committed
11:40:43 19 to the Old Bailey for trial. Another man was later
11:40:47 20 arrested in Northern Cyprus on 5 July, and he, too, was
11:40:52 21 convicted of manslaughter following a trial.

11:40:55 22 Sir, in parallel to the investigations headed by
11:40:59 23 Mr Grieve and the eventual prosecutions, a further
11:41:05 24 investigation followed a complaint made by the family to
11:41:07 25 the Police Complaints Authority on 25 September 1998,

11:41:12 1 following the inquest and was conducted, sir, by a Chief
11:41:16 2 Constable of Cambridgeshire Police, your witness next
11:41:20 3 week, HN 143, Dennis, also known as Ben Gunn, from
11:41:28 4 whom, sir, you will hear next Monday.

11:41:30 5 The findings of that investigation, finalised in
11:41:34 6 late 2002, were widely reported and included that the
11:41:40 7 initial Met investigation was unprofessional,
11:41:45 8 uncoordinated, in part negligent, at best inept.

11:41:53 9 It also found that despite evidence to the contrary
11:41:55 10 the Met had insisted for 18 months that Michael had set
11:41:58 11 himself alight and that the police had altered witness
11:42:01 12 statements to support this theory.

11:42:05 13 Sir, in summary it reported:

11:42:11 14 "A number of officers prematurely reached the
11:42:14 15 conclusion that self-harm caused death and stubbornly
11:42:18 16 maintained this, even when subsequent evidence suggested
11:42:21 17 it might be mistaken."

11:42:24 18 They failed to follow up important forensic material
11:42:27 19 and did not record the attack as possibly racist and did
11:42:33 20 not attend and supervise the scene of the attack on the
11:42:36 21 night. And police liaison with the Menson family was
11:42:40 22 very poor, and that the Met officer referred to
11:42:44 23 Mr Menson -- sir, I use the terms expressly in the
11:42:51 24 report -- as "a fucking black schizophrenic" and that
11:42:56 25 "there was evidence to suggest officers were swayed by

11:43:00 1 racial prejudice".

11:43:03 2 Sir, these findings confirmed and vindicated what

11:43:08 3 the family had long known. In addition to its findings

11:43:13 4 relating to the flaws in the initial investigation, that

11:43:18 5 report by your witness, Dennis Gunn, also found that

11:43:21 6 a request was made around 26 March 1997 by those

11:43:26 7 involved in the original investigation for Special

11:43:30 8 Branch checks to be completed on the Menson family.

11:43:36 9 Sir, I am going to come back to that in due course in

11:43:38 10 the next section of my address.

11:43:40 11 Against that background of racism, defensiveness and

11:43:45 12 denial, the revelation that MWS and MSS were surveyed by

11:43:50 13 the same force that failed their family so many times,

11:43:54 14 we say, sir, adds insult to injury. They are

11:43:59 15 justifiably outraged.

11:44:03 16 Theirs was a perfectly peaceful, lawful campaign.

11:44:10 17 There was no justification for their having come to the

11:44:15 18 attention of the SDS. They see the surveillance as

11:44:19 19 a continuation of the Met's reputational management as

11:44:23 20 a means by which to gain an advantage on the family

11:44:28 21 justice campaigns threatening to expose them.

11:44:32 22 Sir, we urge you fully to investigate through the

11:44:35 23 evidence of the managers who oversaw HN 81

11:44:39 24 "David Hagan's" infiltration of their campaign and

11:44:43 25 otherwise, why the peaceful activities of a bereaved

11:44:48 1 family were reported on by police spies.

11:44:52 2 We note in passing the omission of the sufferings of

11:44:57 3 the Menson family from the apology put forward by the

11:45:01 4 Met yesterday. One is long overdue and we hope and

11:45:05 5 expect that omission to be corrected.

11:45:08 6 Sir, I turn to the family campaign for Justice for

11:45:10 7 Ricky Reel. Ricky Reel was Sukhdev and Balwant Reel's

11:45:18 8 second child. He grew up in a happy family with three

11:45:21 9 siblings. Sir, we describe in detail in paragraphs 32

11:45:26 10 to 37 of our written opening the events immediately

11:45:30 11 after the disappearance of Ricky on that day 28 years

11:45:35 12 ago yesterday, and the desperate efforts of the family

11:45:39 13 to try and arouse any police interest in this

11:45:47 14 disappearance.

11:45:48 15 The police effectively ignored the family's

11:45:51 16 assertions that Ricky had been the victim of a racist

11:45:54 17 assault and officers repeatedly turned a blind eye when

11:45:58 18 reports of a racist attack were made to them. I have

11:46:01 19 already summarised at the start of this opening the

11:46:05 20 desperate efforts made by their family and their friends

11:46:08 21 to secure assistance from the police in their

11:46:10 22 investigation into the disappearance of their son and

11:46:13 23 how this led to the start of the Ricky Reel justice

11:46:16 24 campaign.

11:46:17 25 No one at either of the police stations they visited

11:46:20 1 in those early days seemed prepared to take their report
11:46:24 2 of a racist attack on Ricky seriously. And simply, they
11:46:29 3 believed on grounds of race, declined to assist them,
11:46:36 4 using the Met's missing person policy as an excuse.
11:46:41 5 Sukhdev Reel describes her reaction to the last officer
11:46:46 6 to do this in her witness statement, she says:
11:46:49 7 "He assumed that my family had caused Ricky's
11:46:52 8 disappearance. A new version of blaming the victim.
11:46:56 9 I knew then with a sinking heart that dealing with my
11:47:03 10 local police at West Drayton and Kingston Police
11:47:03 11 Station, where Ricky had disappeared, that neither were
11:47:05 12 interested in helping us. It was clear to me that
11:47:09 13 racial stereotyping and racism lay behind this."
11:47:13 14 Sir, in the absence of police support the family
11:47:17 15 took the investigation on themselves, with the help of
11:47:19 16 their friends and the local community. The events of
11:47:23 17 that and the work that they did are set out in
11:47:26 18 paragraphs 40 to 43 of our opening.
11:47:30 19 In effect, they can be summarised as total police
11:47:33 20 inaction and whilst the family were left to secure
11:47:36 21 evidence, which included actually the closed circuit
11:47:41 22 television of Ricky's last sighting.
11:47:44 23 Sir, on 21 October 1997 Ricky's body was eventually
11:47:49 24 discovered in the River Thames near Down Hall Road.
11:47:53 25 On 22 October, Sukhdev Reel visited Ricky at the

11:47:58 1 mortuary and was handed his clothing. When home, she
11:48:03 2 noticed a significant tear in the brand, new shirt that
11:48:08 3 he had been wearing on the night of his disappearance.
11:48:11 4 She raised this with the police, and was told bluntly
11:48:17 5 that the family must have caused it.

11:48:21 6 The family later worked out that the tear
11:48:24 7 corresponded to the location of marks on Ricky's body,
11:48:28 8 identified at his post-mortem. This day,
11:48:35 9 22 October 1997 marked the start of the Justice for
11:48:40 10 Ricky Reel campaign. The campaign evolved and developed
11:48:45 11 with appeals for evidence, close liaison with
11:48:48 12 investigators, followed by complaints concerning their
11:48:51 13 inaction, attempts to raise the public profile through
11:48:55 14 meetings and speaking and forming links with other
11:49:00 15 justice groups to expose police inaction and highlight
11:49:04 16 investigating flaws.

11:49:05 17 Sir, in February 1999, the family were finally given
11:49:11 18 a copy of the report of a police complaint investigation
11:49:14 19 by Surrey Police which had been concluded in
11:49:19 20 September 1998. It upheld many of the family's
11:49:22 21 complaints, stating:

11:49:24 22 "The investigation has found that there were
11:49:26 23 weaknesses and flaws within the organisational structure
11:49:28 24 and policy. Your allegations of neglect of duty are
11:49:33 25 substantiated. You did not receive from the Met the

11:49:37 1 professional standard of service which you have every
11:49:40 2 right to expect, but this is for the most part [they
11:49:46 3 said] attributed to organisational failings rather than
11:49:50 4 to neglect of any particular officer."

11:49:54 5 Sir, the police investigation of Ricky's death was
11:49:57 6 then taken over by Deputy Assistant Commissioner
11:49:59 7 John Grieve. He made a concerted effort to maintain
11:50:05 8 contact with Sukhdev Reel and with the family following
11:50:08 9 the conclusion of the investigation by his task force.
11:50:15 10 But now the family see him as part of the apparatus of
11:50:18 11 surveillance. He never told them what he knew about
11:50:22 12 them being surveyed. Another means, sir, by which the
11:50:27 13 Met could gain intelligence on the family, not simply to
11:50:32 14 find Ricky's killers but to undermine the campaign and
11:50:37 15 further the Met's objectives.

11:50:41 16 The inquest touching on Ricky's death took place
11:50:46 17 before a jury on 1 November 1999, over six days. The
11:50:50 18 Met sought a conclusion of accidental death, yet again
11:50:56 19 promoting in the media a narrative that protected their
11:51:00 20 reputation to the greatest extent possible. In
11:51:04 21 Sukhdev Reel's words:

11:51:06 22 "Their attitude to the family and supporters was
11:51:10 23 hostile. One of the senior investigating officers,
11:51:12 24 a Detective Chief Inspector Hill, gave evidence at the
11:51:15 25 inquest. She maintained that Ricky had not been the

11:51:20 1 victim of a racist attack but that his death was
11:51:23 2 a tragic accident."

11:51:25 3 Detective Sergeant Moffat, who had led the first
11:51:29 4 investigation, repeated this line. During her evidence
11:51:32 5 it became clear that had the police interviewed Ricky's
11:51:35 6 friends earlier they might have been able to identify
11:51:38 7 the people involved in the attack on them.

11:51:40 8 Sir, the ultimate conclusion was one of an open
11:51:43 9 verdict. Sadly the Ricky Reel family have never been
11:51:47 10 able to uncover the full truth of the circumstances of
11:51:50 11 Ricky's death, and for that reason their campaigning
11:51:54 12 efforts continue to this day.

11:51:56 13 Against this background of having been repeatedly
11:52:00 14 failed by the Met, the Reel family was horrified to
11:52:04 15 discover that their campaign was subject to surveillance
11:52:07 16 by at least one undercover officer, SDS officer HN 81,
11:52:13 17 "David Hagan", but possibly two others, James Boyling,
11:52:19 18 HN 40, and "Dave Evans", HN 60. Sukhdev and Tish Reel
11:52:28 19 have been provided with reports which show that the SDS
11:52:31 20 engaged in personal and intrusive surveillance of family
11:52:34 21 members, including reporting on their personal lives and
11:52:38 22 on Sukhdev Reel's state of health.

11:52:42 23 Details of pickets planned for the campaign,
11:52:46 24 a candlelight vigil and the attendance of family members
11:52:51 25 at the Lawrence Inquiry all featured in intelligence

11:52:55 1 reports. As is now conceded, there was no proper basis
11:52:59 2 on which they could have been targeted. The family are
11:53:02 3 outraged that police lavished expenditure on such secret
11:53:08 4 surveillance of them, while maintaining that cost
11:53:13 5 restrictions limited police capacity to investigate
11:53:17 6 Ricky's death.

11:53:20 7 Sukhdev Reel is particularly appalled by the
11:53:22 8 revelation that HN 81, "David Hagan", offered her a lift
11:53:29 9 home following a meeting with Movement for Justice. She
11:53:31 10 feels it was a gross and unjustified misuse of police
11:53:36 11 power by the Met, very probably to seek to obtain
11:53:39 12 information to be used publicly to discredit the family
11:53:43 13 in their campaign.

11:53:45 14 This, sir, is just one incident. It does not
11:53:49 15 feature in the disclosed intelligence reports, but has
11:53:52 16 come to light by other means that gives rise to very
11:53:56 17 real concern that there were likely others which were
11:53:59 18 not recorded, given the destruction of documents by the
11:54:03 19 Met and the practice of not recording tasking and
11:54:07 20 intelligence relating to sensitive areas such as family
11:54:11 21 campaigns.

11:54:12 22 Given the cover up that has taken place to date, to
11:54:16 23 which I will return in detail later, the Reel family
11:54:21 24 still to this day have no confidence that the Met have
11:54:24 25 fully and openly disclosed all relevant evidence of

11:54:28 1 targeting and surveillance of the family.

11:54:31 2 The pain inflicted upon the family by this

11:54:34 3 hypocritical and racist intrusion remains to this day.

11:54:39 4 The apology now proffered by the Met in their opening

11:54:44 5 the family feel is simply a pragmatic decision, arising

11:54:48 6 from the overwhelming material which now confirms the

11:54:51 7 racism which has been prevalent in the force and the

11:54:54 8 unjustifiable nature of the surveillance over the family

11:54:58 9 justice campaigns. It provides, I am afraid, little

11:55:03 10 comfort to the Reel family and they effectively do not

11:55:06 11 accept it.

11:55:08 12 Whilst the Met now accept that such surveillance was

11:55:10 13 unjustified, they do not address or recognise the key

11:55:16 14 questions now arising: why did it happen? The family

11:55:22 15 say it was done in an effort to glean information

11:55:26 16 capable of undermining their campaign. A continuation

11:55:33 17 of the approach following Ricky's death typified by

11:55:39 18 defensiveness, denial and a desire to protect the Met's

11:55:42 19 reputation at all costs.

11:55:44 20 Sir, I turn briefly to the Movement for Justice.

11:55:52 21 I am going to ask that OS11 at page 1 is briefly put up.

11:55:56 22 Sir, as I have said, Movement for Justice was formed

11:55:59 23 in 1995 and stemmed from the Kingsway College

11:56:03 24 Anti-Fascist Group and the death of Shah Alam. You can

11:56:08 25 see a founding leaflet there.

11:56:11 1 Sir, in paragraph 61 to 69 of our opening we set out
11:56:16 2 in detail the motives and actions of the organisation
11:56:19 3 and the roles played in it by undercover officers HN 43,
11:56:25 4 Peter Francis and HN 81, "David Hagan".

11:56:29 5 You can take down OS11, thank you very much.

11:56:31 6 Movement for Justice was an open organisation with
11:56:33 7 no formal membership process and a relatively simple
11:56:38 8 structure. Organisation of the group was centred around
11:56:41 9 weekly meetings, at which activists would discuss
11:56:44 10 priorities, materials and plans for upcoming events.

11:56:49 11 Members of the public who were interested in getting
11:56:52 12 involved could come to these meetings. Members
11:56:55 13 exercised their democratic right to protest through
11:56:58 14 methods of action which tended to include petitions,
11:57:01 15 lobbying of MPs, demonstrations, marches and protests.

11:57:06 16 Sir, HN 81, "David Hagan" infiltrated Movement for
11:57:11 17 Justice in around June 1997. He presented himself as
11:57:15 18 an active member of Movement for Justice and did so for
11:57:20 19 about four years. Alex Owolade recalls that HN 81
11:57:27 20 involved himself in the Stephen Lawrence Inquiry and in
11:57:30 21 the group's campaigns around policing in Brixton and
11:57:35 22 Bermondsey.

11:57:38 23 Many of the intelligence reports produced on the
11:57:40 24 basis of HN 81's reporting evidenced a particular
11:57:45 25 interest in Movement for Justice's campaigns relating to

11:57:49 1 policing issues, including deaths in police custody,
11:57:52 2 police harassment of young black men and the use of CS
11:57:58 3 spray. There are a high number of reports concerning
11:58:01 4 Movement for Justice's support for the Stephen Lawrence
11:58:03 5 family campaign and involvement in the Lawrence Inquiry.
11:58:06 6 Despite the nature of Movement for Justice's legitimate
11:58:09 7 democratic activities, the group and its members were
11:58:13 8 subject to intense and deeply intrusive surveillance,
11:58:18 9 including reporting on members' occupations,
11:58:22 10 appearances, political backgrounds and personal lives,
11:58:26 11 as well as addresses, incomes and bank details.
11:58:29 12 Intelligence reports covered the minutiae of the group's
11:58:32 13 activity from plans to present a petition to a local MP
11:58:37 14 to plans of a flyer for distribution.

11:58:41 15 The level of intrusion into Alex Owolade's personal
11:58:45 16 life was particularly pronounced. For example, one
11:58:50 17 Special Branch report detailed his address, his income,
11:58:54 18 his bank details, his landline number and his passport.
11:59:00 19 Our core participants describe in detail in their
11:59:04 20 witness statements the multiple inaccuracies in the
11:59:06 21 reports produced by HN 81, "David Hagan", and HN 43,
11:59:11 22 Peter Francis, much of which appeared wilfully
11:59:18 23 misinterpreted Movement for Justice's activities and its
11:59:22 24 members' intentions, aims and beliefs.

11:59:26 25 Sir, we submit the disclosure does not provide any

11:59:31 1 legitimate basis for SDS interest in the group or its
11:59:34 2 ongoing infiltration on account of risks to public
11:59:39 3 order, counter public disorder and subversion or serious
11:59:42 4 law breaking. Movement for Justice's focus and purpose
11:59:47 5 was to oppose racism. Members engaged in the democratic
11:59:53 6 system in order to expose, challenge and overcome racism
11:59:56 7 in many different areas, from police violence to
12:00:00 8 legislative changes.

12:00:02 9 The organisation campaigned for legislative changes
12:00:09 10 that were harmful to asylum seekers, by marching,
12:00:14 11 protesting and contacting local MPs and running
12:00:17 12 campaigns in relation to local councils.

12:00:21 13 Sir, Movement for Justice was not subversive. In
12:00:24 14 summary, none of the activities reported on were capable
12:00:28 15 of reaching the threshold for justifying intrusive
12:00:32 16 undercover surveillance over a period of years.

12:00:36 17 Indeed, the Met appear now to accept HN 81
12:00:40 18 "David Hagan"'s deployment from 1997 into Movement for
12:00:43 19 Justice was unjustified.

12:00:45 20 As with other campaigns focused on anti-racism and
12:00:50 21 police accountability, the Met do not, however, accept
12:00:56 22 the true reason for their interest in these groups over
12:01:01 23 such a lengthy period. For reasons that I will come to,
12:01:04 24 these core participants strongly suspect that Movement
12:01:09 25 for Justice was a convenient organisation in which to

12:01:11 1 plant an operative who could monitor anti-police
12:01:15 2 sentiment in the years following the Stephen Lawrence
12:01:18 3 death and provide the Met with a link to the numerous
12:01:22 4 family justice campaigns that were building in response
12:01:25 5 to highly publicised police failings.

12:01:29 6 Sir, I turn to a brief chapter, racism and
12:01:33 7 defensiveness. In our chapter 3 we make detailed
12:01:40 8 submissions on the issue of racism in the police at
12:01:43 9 paragraphs 85 to 98. We draw examples from the evidence
12:01:48 10 of HN 43, Peter Francis, the regular use of the "N" word
12:01:53 11 for example, and the overt racism he witnessed on the
12:01:57 12 part of the most senior managers in the SDS at the time.

12:02:01 13 Sir, their accounts align with the findings of the
12:02:05 14 Macpherson Inquiry. The example provided by
12:02:10 15 Peter Francis shows racism was persistent in the Met.
12:02:14 16 We note HN 81, "David Hagan", apparently discovered
12:02:20 17 Movement for Justice whilst undercover with the
12:02:22 18 Socialist Workers Party, and his note for file wrongly
12:02:26 19 states that Movement for Justice was an "exclusively
12:02:29 20 Black group".

12:02:31 21 Sir, we wonder whether his targeting decision was
12:02:35 22 influenced by racism, including stereotypical
12:02:40 23 assumptions and cynical attitudes in relation to the
12:02:44 24 political activities of the Black community.

12:02:48 25 You, sir, and Counsel to the Inquiry, have

12:02:50 1 emphasised that this Inquiry will examine whether the
12:02:55 2 deployment of undercover officers in justice groups,
12:02:58 3 including Black justice groups, was influenced by
12:03:01 4 conscious or unconscious racism. This, sir, includes
12:03:06 5 confronting the patterns emerging from the repeated
12:03:10 6 reporting of justice campaigns and the activities of
12:03:14 7 Black and Asian families and the presence of
12:03:17 8 institutional structural and individual racism that
12:03:21 9 underpin them.

12:03:23 10 Sir, we heard this morning your exchanges with
12:03:25 11 Imran Khan KC, we have cited Sir William Macpherson and
12:03:35 12 the Casey Report in this chapter, both of which identify
12:03:39 13 not only examples of racist behaviours and attitudes but
12:03:43 14 institutional racism which infect the Met as a whole.

12:03:48 15 Sir, if you do not propose to accept both the
12:03:51 16 definition of institutional racism employed by
12:03:54 17 Macpherson, along with his findings in relation to its
12:03:59 18 presence in the Met, we suggest that our clients and no
12:04:02 19 doubt others should be given an indication by you of
12:04:06 20 your approach, so that we can respond, including if
12:04:09 21 necessary making further submissions to you on the
12:04:13 22 requirement for an expert.

12:04:17 23 Sir, I turn to political policing, our chapter 4,
12:04:21 24 which is between paragraphs 99 and 134.

12:04:26 25 As we set out, and as has been essentially conceded

12:04:30 1 by the Met, the surveillance of our core participants
12:04:34 2 could not be justified by reference to the SDS's
12:04:39 3 purported remit to address public disorder and
12:04:43 4 counter-surveillance. We therefore ask what the true
12:04:46 5 underlying reason for their targeting was.

12:04:52 6 Sir, we suggest fear of the exposure of successive
12:04:57 7 failings by the Met and the racism that underpinned it
12:05:02 8 led to the intrusive surveillance to which their
12:05:05 9 campaigns were subject. One of the central issues in
12:05:08 10 this phase is therefore the extent to which the SDS was
12:05:14 11 utilised by the force to respond to the unprecedented
12:05:19 12 criticism to which it was subject.

12:05:23 13 We suggest the evidence before the Inquiry proves
12:05:27 14 that Special Branch had a particular interest in justice
12:05:31 15 and police accountability campaigns, and that officers
12:05:34 16 were specifically targeted into these campaigns in order
12:05:37 17 to collect intelligence which could be used to defend
12:05:41 18 the Met's reputation against these campaigns.

12:05:46 19 Sir, the evidence of Peter Francis is that he was
12:05:49 20 tasked to report on racial justice campaigns, relating
12:05:53 21 to racist murders of individuals and deaths in custody.
12:06:01 22 He was asked by superiors to report back on information
12:06:05 23 that could be used to undermine such campaigns. It is
12:06:09 24 his evidence that requests for such intelligence were
12:06:12 25 made in order that damaging information could be passed

12:06:15 1 on to third parties, such as the media.

12:06:18 2 Sir, our core participants strongly suspect that the

12:06:22 3 practices described by Peter Francis continued long

12:06:26 4 after he left the SDS and led to specific requests to

12:06:31 5 target the Menson and Reel families as well as Movement

12:06:35 6 for Justice, namely through "David Hagan".

12:06:39 7 In our written opening we summarise the evidence

12:06:41 8 which indicates that "David Hagan's" deployment was used

12:06:46 9 for purposes that went well beyond the SDS's public

12:06:50 10 order remit. We now know that his intelligence was used

12:06:54 11 in order to inform the Met's submissions to the Lawrence

12:06:57 12 Inquiry and its wider work.

12:07:03 13 We note Counsel to the Inquiry's reference to the

12:07:06 14 covert briefings that were facilitated by HN 81 and

12:07:10 15 Detective Inspector Richard Walton of the Met's Lawrence

12:07:14 16 review team, which included discussion of Movement for

12:07:17 17 Justice and its involvement in the Lawrence campaign and

12:07:21 18 which the Met now call completely improper.

12:07:27 19 Arrangements were made in 1998 for SDS intelligence

12:07:30 20 to be shared with CO24, the newly formed Racial and

12:07:35 21 Violent Crime Task Force, led by Deputy Assistant

12:07:41 22 Commissioner John Grieve, which had responsibility for

12:07:45 23 responding to racist attacks and murders that the

12:07:51 24 Metropolitan Police had failed to properly investigate.

12:07:52 25 The introduction of the task force was clearly part of

12:07:56 1 an attempted rebrand by the Met, with hopes of undoing
12:08:00 2 the reputational damage caused by the response to the
12:08:03 3 death of Stephen Lawrence.

12:08:08 4 Both the Menson and Reel families had contact with
12:08:10 5 CO24. Evidence to the Ellison Review, sir, suggests
12:08:16 6 that the conduit used to share intelligence relating to
12:08:18 7 Stephen Lawrence, Michael Menson and Ricky Reel,
12:08:20 8 according to the Ellison Review, correspondence between
12:08:25 9 the team including personal details regarding the
12:08:29 10 Lawrence family emanating from HN 81's reporting and
12:08:33 11 information about a named individual who offered to give
12:08:37 12 evidence to the Inquiry, including the potential for
12:08:40 13 their evidence to criticise police.

12:08:42 14 The communication of such information had no clear
12:08:45 15 public order purpose, or even to assist the
12:08:48 16 identification and prosecution of those responsible for
12:08:51 17 the deaths of Ricky Reel, Michael Menson and of course
12:08:57 18 Stephen Lawrence, but represents yet another likely
12:09:02 19 example of SDS intelligence being used by the Met to
12:09:06 20 gain a tactical advantage and to get ahead of criticism.
12:09:11 21 Given the wide scale destruction of documents, the
12:09:14 22 Inquiry, we suggest, must take a wide view of the
12:09:17 23 contextual evidence when assessing the true uses to
12:09:26 24 which SDS intelligence about justice campaigns were
12:09:29 25 likely put in the T3 period.

12:09:31 1 Sir, I turn to some express examples of the
12:09:36 2 surveillance and targeting in connection with Reel and
12:09:38 3 Menson. On the available evidence, along with their own
12:09:41 4 experience of police hostility and racism, MWS and MSS
12:09:48 5 strongly suspect that the SDS targeted them in order to
12:09:52 6 obtain personal information which could be used to smear
12:09:55 7 them and/or their campaign or to assist the Met in
12:09:59 8 defending itself against criticism. They certainly do
12:10:02 9 not accept that surveillance of their campaign was
12:10:04 10 merely collateral intrusion.

12:10:08 11 Sir, a crucial piece of evidence in relation to the
12:10:11 12 targeting of the Menson campaign was obtained by the
12:10:16 13 Police Complaints Authority investigation by the then
12:10:21 14 Chief Constable of Cambridgeshire, sir, your witness
12:10:25 15 next week, Dennis Gunn, between 1982 and 2002. That
12:10:30 16 report found that a request made in late March 1997 by
12:10:35 17 officers involved in the investigation of Michael's
12:10:39 18 death for Special Branch checks on the Menson family.

12:10:47 19 Sir, can I ask that OS13 at pages 155 to 156, which
12:10:53 20 is an extract from that report, is uploaded. I am going
12:11:03 21 to cite it:

12:11:04 22 "On 1 April 1997 checks were made on the
12:11:07 23 Tachie-Menson family with Special Branch. This was
12:11:12 24 requested by Detective Chief Superintendent Duffy as
12:11:16 25 a result of an update report on Operation Landwade and

12:11:24 1 was to be completed prior to any further interviews with
12:11:26 2 them, and ... asked why such checks were made."
12:11:31 3 THE CHAIR: Could I ask you to pause a moment, please,
12:11:33 4 because the passage you want has not yet been put up.
12:11:44 5 MR WOOD: Sir, I will cite it. Maybe you can look it up, we
12:11:50 6 certainly ask that it be mentioned at least in passing
12:11:52 7 with your witness next week. He says:
12:11:56 8 "He was asked to arrange the checks by Detective
12:11:58 9 Chief Superintendent Duffy, but cannot recall why this
12:12:03 10 was done. He says he was not aware that the family were
12:12:07 11 thought to be politically motivated and can only assume
12:12:11 12 that Detective Chief Superintendent Duffy requested the
12:12:15 13 check because of his previous experience in Special
12:12:18 14 Branch. This action appears to have no substantial
12:12:21 15 relevance to the AMIP enquiry but it illustrates again
12:12:26 16 that police were suspicious of the family and concerned
12:12:31 17 about their motives for being critical of the police."
12:12:35 18 Sir, at page 371 of that report there is a direct
12:12:40 19 reference to this, I read it again:
12:12:46 20 "I [name omitted] entered a message on HOLMES which
12:12:51 21 noted that Detective Sergeant Duffy had suggested that
12:12:55 22 Special Branch checks should be completed on all Menson
12:12:58 23 family prior to further interviews with them.
12:13:03 24 "An inference which could be drawn from that
12:13:06 25 proposed line of inquiry is that the family of a murder

12:13:09 1 victim were having security checks carried out on them
12:13:12 2 with Special Branch to see if they had any involvement
12:13:15 3 in extremist politics. It is unclear precisely why such
12:13:21 4 checks were made, but the description of the family as
12:13:25 5 'hostile' may have inferred that such behaviour had some
12:13:30 6 political motivation."

12:13:34 7 We say, of course, sir, that it did:

12:13:36 8 "Detective Chief Superintendent David Duffy retired
12:13:39 9 from the Metropolitan Police in 1998. When interviewed
12:13:44 10 by the Cambridgeshire inquiry [that is that of your
12:13:48 11 witness Dennis Gunn] he said he could not recall any
12:13:54 12 criticism or suggestion that the Menson family were
12:13:58 13 involved in extreme political activity, although he
12:14:01 14 agreed that he authorised the Special Branch inquiry.

12:14:05 15 "I [that is the redacted name] said that the
12:14:10 16 suggestion for the Special Branch checks came from
12:14:12 17 Detective Chief Superintendent Duffy and he could only
12:14:15 18 assume that it was prompted by Detective Chief
12:14:18 19 Superintendent Duffy's previous experience in Special
12:14:21 20 Branch.

12:14:27 21 "They said that in his view there was nothing that
12:14:30 22 would have caused him to have made such inquiries."

12:14:33 23 Sir, this important evidence unambiguously suggests
12:14:37 24 that checks were requested to be carried out on the
12:14:40 25 Menson family for no reason other than their efforts as

12:14:45 1 bereaved family members to secure proper investigation
12:14:48 2 of Michael's death. It also suggests that such
12:14:53 3 practices within Special Branch were so widely known
12:14:58 4 that investigating officers from an entirely different
12:15:00 5 part of the organisation were requesting such checks
12:15:04 6 when faced with criticism by Black family members.

12:15:10 7 As far as we are aware, this is the only direct
12:15:13 8 evidence in T3 of this practice. We therefore urge you,
12:15:18 9 sir, to ask HN 143 at least something about this crucial
12:15:23 10 issue when he gives evidence next week. The Inquiry has
12:15:28 11 received submissions made on behalf of MWS and MSS on
12:15:33 12 why it is so important that this issue is explored with
12:15:38 13 HN 143, along with suggested questions through the
12:15:42 14 Rule 10 process.

12:15:44 15 Sir, we await, of course, your team's response. But
12:15:48 16 a failure to explore this topic will deprive MWS and MSS
12:15:57 17 and other family justice campaigns targeted by the
12:16:00 18 Special Branch of a crucial opportunity to understand
12:16:02 19 the link between Met investigating teams and SDS
12:16:09 20 surveillance of Black family members. This would
12:16:11 21 represent a failure by your Inquiry, sir, we submit.
12:16:18 22 The officer was both a senior officer and a Special
12:16:22 23 Branch officer, later responsible for investigations
12:16:27 24 outside the Met's practices, and he knows about this.

12:16:32 25 Sir as Counsel to the Inquiry sets out in their

12:16:36 1 opening statement, the whole factual context must be
12:16:40 2 considered in the Inquiry's investigation of whether SDS
12:16:46 3 reporting on Black justice campaigns was collateral
12:16:51 4 intrusion or whether those campaigns were of interest to
12:16:54 5 MPS in their own right.

12:16:56 6 Many features of the Menson case bear resemblance
12:17:00 7 with the attitude of the Met described by HN 43,
12:17:03 8 Peter Francis, towards the campaign for justice for
12:17:09 9 Stephen Lawrence and other family justice campaigns, and
12:17:12 10 characterised by the Ellison Review, which notes the
12:17:16 11 cynicism and mistrust with which campaigning families
12:17:21 12 were reviewed.

12:17:24 13 This Police Complaints Authority report that we have
12:17:28 14 cited into the Menson investigation notes that "the
12:17:31 15 police were suspicious of the family" and concerned
12:17:35 16 about their motives for being critical of the police.
12:17:39 17 They, sir, were characterised by the police as
12:17:42 18 "trouble-makers", despite the fact that they were
12:17:47 19 correctly simply looking for about answers about their
12:17:50 20 loved one's death.

12:17:52 21 We say that the Met mistrustful, hostile and
12:17:57 22 defensive approach to the concerns being quite rightly
12:18:00 23 raised by the family led to the surveillance by the
12:18:03 24 Special Branch.

12:18:07 25 The Reel family were also subjected to intrusive

12:18:10 1 surveillance, which they too suspect came about due to
12:18:15 2 their vocal and again justified criticism of the Met's
12:18:18 3 response to Ricky's death. They, too, were targeted for
12:18:23 4 surveillance. They are disturbed that the Met denied
12:18:26 5 for many years that any direct spying had taken place on
12:18:29 6 family justice campaigns and when evidence of this was
12:18:32 7 discovered and discussed no efforts were made to tell
12:18:37 8 Sukhdev that she had been spied upon in this way.

12:18:41 9 Sir, particular concern arises from an SDS briefing
12:18:45 10 note concerning the Stephen Lawrence campaign, alleging
12:18:49 11 extreme left-wing involvement in extreme right-wing
12:18:53 12 group's racist activities in London. It is dated
12:18:58 13 September 1998, it states:

12:19:01 14 "At the time of preparing this statement, Windmill
12:19:04 15 Tilter, [HN 81] is reporting another significant break
12:19:09 16 through for Movement for Justice. On Wednesday evening,
12:19:13 17 2 September they cemented good liaison contact with
12:19:19 18 Sukhdev Reel, Ricky Reel's mother, and are now planning
12:19:24 19 to assist her in mounting a large-scale campaign against
12:19:29 20 the police. It is important to emphasise here the
12:19:32 21 extent to which the Reel's case has potential to cause
12:19:36 22 police embarrassment to the same scale as the Lawrence
12:19:41 23 case. Certainly, so far as Mrs Reel and the activists
12:19:46 24 are concerned there are glaringly similar racial
12:19:48 25 overtones between the police handling of both

12:19:52 1 investigations. Again, Windmill Tilter [HN 81] will be
12:20:00 2 ideally positioned to monitor important developments in
12:20:04 3 the months again ahead."

12:20:07 4 Sir, once again this important disclosure evidences
12:20:10 5 the inappropriate level of interest that the SDS had in
12:20:15 6 campaigns likely to criticise the Met and the use of
12:20:22 7 HN 81 to collect intelligence on such campaigns that
12:20:27 8 could be fed back through conduit with CO24 and other
12:20:31 9 limbs of the Met. This evidence makes clear that either
12:20:38 10 the Reels were directly targeted by the SDS or HN 81 was
12:20:43 11 encouraged to use his position to survey and glean
12:20:47 12 evidence of the campaign, specifically in order to
12:20:49 13 monitor the potential cause of police embarrassment on
12:20:53 14 the same scale as the Lawrence case, as I cite from the
12:20:58 15 text.

12:20:59 16 This, sir, was not collateral intrusion. It was
12:21:04 17 a direct and cynical attempt to gain intelligence on the
12:21:08 18 campaign of a grieving family.

12:21:11 19 Finally, sir, I am going to come to a chapter on
12:21:15 20 missing evidence and conclusions.

12:21:18 21 Our clients clearly fear they are likely never to
12:21:21 22 uncover the full extent of their surveillance by the
12:21:25 23 SDS. At paragraph 135 of our opening we set out seven
12:21:30 24 reasons for our concern, which note the multiple sources
12:21:35 25 pointing to the destruction and disposal of relevant

12:21:42 1 evidence by the Met as well as an intentional use of
12:21:47 2 verbal briefings in sensitive areas, such as the
12:21:49 3 targeting of the family justice campaign.

12:21:52 4 Sir, for those seven reasons any perceived absence
12:21:55 5 of records evidencing direct targeting of family justice
12:22:00 6 campaigns cannot support a conclusion that they were not
12:22:02 7 in fact directly targeted. The Inquiry must consider
12:22:07 8 the evidence available to it and make full findings
12:22:13 9 where possible. We note just one example of clear
12:22:17 10 interest in a family justice campaign which did not then
12:22:21 11 find its way into the contemporaneous intelligence
12:22:24 12 reports obtained by the Inquiry.

12:22:32 13 As I have already mentioned, the Reel family were
12:22:36 14 particularly appalled by the revelation that
12:22:38 15 an undercover officer HN 81, "David Hagan", had
12:22:43 16 apparently went out of his way to offer Sukhdev Reel
12:22:46 17 a lift home after a meeting. There was no surveillance
12:22:50 18 value in driving Sukhdev home, other than to gain more
12:22:56 19 information about the family and their case.

12:23:01 20 The absence of documents appeared to give the Met
12:23:05 21 licence to deny for many years that any direct spying
12:23:10 22 had taken place on family justice campaigns.

12:23:15 23 Sir, at paragraph 130 in our written opening, we
12:23:21 24 cite an important MPS document 0738094, which reports
12:23:28 25 a meeting between HN 81 "David Hagan", Assistant

12:23:34 1 Commissioner Hewitt -- who, sir, initially led the Met's
12:23:44 2 response to your Inquiry -- and Detective Superintendent
12:23:51 3 Craddock, a senior investigating officer with
12:23:55 4 Operation Herne, which took place on 18 August 2014.

12:23:59 5 This document shows that those three officers, some
12:24:03 6 of whom were very senior, held a discussion about
12:24:07 7 HN 81's disclosure to Operation Herne that he had met
12:24:16 8 Sukhdev Reel and given her a lift home. They discussed
12:24:21 9 the apparent inconsistency of this with their public
12:24:25 10 statements, and that -- I quote from the document -- "no
12:24:31 11 documentation has been identified detailing any
12:24:33 12 targeting or infiltration by the SDS into any family
12:24:38 13 member or any justice campaign or those justice
12:24:42 14 campaigns themselves".

12:24:45 15 The senior attendees of that meeting did not see
12:24:50 16 a need for a change in the public messaging. This
12:24:55 17 document makes patently clear that when faced with
12:24:59 18 a choice on whether to come clean, the Met chose to hold
12:25:05 19 the line that family justice campaigns had not been
12:25:11 20 directly targeted, or infiltrated, despite evidence to
12:25:16 21 the contrary.

12:25:18 22 Sir, we suggest this one small example symbolises
12:25:25 23 the institutional failures of the Met. Not only the
12:25:29 24 direct surveillance by the SDS of a grieving family and
12:25:34 25 their campaign for justice, but also a high-level cover

12:25:42 1 up and refusal to acknowledge or account for their
12:25:45 2 surveillance until forced to by outside investigations.

12:25:53 3 Sir, once again a focus on reputation management has
12:25:56 4 continued at the expense of openness with bereaved
12:26:04 5 families. Those we represent can only assume there are
12:26:07 6 many more examples of direct infiltration of family
12:26:12 7 justice campaigns which will never see the light of day
12:26:16 8 due to the Met's institutional -- and I say this -- lack
12:26:21 9 of candour, and linked to that, its irresponsible
12:26:26 10 approach to documentation retention.

12:26:28 11 Well, sir, perhaps most depressingly some 20 years
12:26:36 12 after the Tranche 3 period the Casey Report confirms
12:26:43 13 that institutional racism, sexism and homophobia
12:26:50 14 continues to exist in the Met, as does police
12:26:54 15 defensiveness and denial of the type that the core
12:26:58 16 participants experienced.

12:27:00 17 The report makes clear that the Met is still
12:27:02 18 an institution that does not accept criticism nor own
12:27:06 19 its failures, and instead it looks for and latches on to
12:27:15 20 small flaws in any criticism, only accepting reluctantly
12:27:19 21 that any wrongdoing has occurred after incontrovertible
12:27:24 22 evidence has been produced.

12:27:25 23 Sir, it is happening to you. Such a culture allows
12:27:31 24 wrongdoing, racism, sexism and homophobia to persist.
12:27:39 25 Families should not have to devote their lives to

12:27:44 1 campaigning for justice because this institution refused
12:27:47 2 to own its failures. And they certainly should never
12:27:52 3 have been spied upon for doing so.

12:27:57 4 Sir, I conclude by saying they, along with other
12:28:03 5 justice activists, hope that in making the difficult and
12:28:08 6 brave decision to participate in this Inquiry and to
12:28:11 7 relieve the trauma, not only of the police failings
12:28:15 8 towards them but also the surveillance that took place,
12:28:18 9 that this Inquiry will recommend the changes necessary
12:28:24 10 to stop other families ever having to go through the
12:28:27 11 same.

12:28:29 12 Sir, I thank you for your attention, and that
12:28:31 13 concludes my remarks.

12:28:32 14 THE CHAIR: Thank you.

12:28:33 15 Mr Scobie is next, I think.

12:28:36 16 Thank you.

12:28:46 17 MR SCOBIE: Sir, can you hear me clearly?

12:28:48 18 THE CHAIR: I can hear you perfectly clearly and I am sorry
12:28:51 19 you have started late and I know you said it may overrun
12:28:54 20 a little bit, try to keep it as short as you can, but
12:28:58 21 I will understand if you have to.

12:29:00 22 MR SCOBIE: I will do my best, thank you very much indeed.

12:29:03 23 Opening statement by MR SCOBIE

12:29:04 24 MR SCOBIE: I appear with Piers Marquis from Doughty Street
12:29:07 25 Chambers and Paul Heron from the Public Interest Law

12:29:11 1 Centre. In this phase we represent Youth Against Racism
12:29:15 2 in Europe, YRE, an anti-fascist and anti-racist youth
12:29:21 3 organisation active in Britain. It also had sections
12:29:24 4 across Europe. Hannah Sell and Lois Austin, who were
12:29:29 5 the Youth Against Racism in Europe's National Secretary
12:29:32 6 and National Chair in the early 1990s, "Lewis", a Youth
12:29:36 7 Against Racism in Europe activist, who was a leading
12:29:39 8 member of the anti-fascist group at Kingsway College,
12:29:44 9 Kingsway Anti-Fascist Group, Judy Beishon, who was the
12:29:45 10 National Treasurer of Militant Labour, and Dave Nellist,
12:29:49 11 who was the Labour MP for South East Coventry between
12:29:56 12 1983 and 1992 and a prominent member of Militant Labour
12:30:01 13 thereafter.

12:30:01 14 Our address to you today is a short summary of our
12:30:04 15 written submissions, which are detailed, fully argued
12:30:11 16 and fully referenced. They can be viewed on both the
12:30:17 17 UCPI and the Public Interest Law Centre websites and we
12:30:20 18 urge you, sir, and all other listeners to focus on that
12:30:24 19 version.

12:30:25 20 The way it was portrayed by Peter Francis's team
12:30:28 21 yesterday was totally inaccurate, bordering on the
12:30:31 22 myopic. All of our core participants have provided
12:30:35 23 statements to the Inquiry which will also be published
12:30:38 24 in due course. All of them were spied on to varying
12:30:44 25 extents by Peter Francis. "Lewis" was the first target,

12:30:49 1 he was used as access to the principal target, Youth
12:30:54 2 Against Racism in Europe, who were in turn used to
12:30:57 3 access the ultimate target, Militant Labour.

12:31:00 4 Our submissions focus on Peter Francis. Primarily
12:31:05 5 they dismantle the false allegations that he has made
12:31:10 6 about Youth Against Racism in Europe participation in
12:31:13 7 violence and disorder. They show that the focus of the
12:31:16 8 SDS was not on any objective evaluation of the
12:31:21 9 intelligence they were obtaining, instead it was on
12:31:26 10 their tradecraft, how deeply they could intrude on the
12:31:31 11 lives and campaigning activities of their targets.
12:31:34 12 Ultimately, they demonstrate that Francis's deployment
12:31:39 13 was wholly unjustified.

12:31:40 14 The evidence around his deployment is some of the
12:31:44 15 most difficult that this Inquiry has had to assess.

12:31:49 16 First, Francis is a troubled individual, diagnosed
12:31:55 17 with unresolved PTSD and severe identity confusion.

12:31:59 18 Secondly, he has provided numerous accounts over
12:32:02 19 a period of more than 20 years. Parts of those accounts
12:32:05 20 are true and parts of them plainly are not.

12:32:09 21 The Inquiry's first step to finding the truth is to
12:32:13 22 look at which aspects of Francis's accounts are reliably
12:32:18 23 corroborated and which are not. That process will
12:32:23 24 include examining the evidence across the tranches,
12:32:25 25 particularly in respect of the systemic abuses that were

12:32:32 1 perpetrated by the SDS.

12:32:35 2 It will also include analysis of Francis's own

12:32:38 3 contemporaneous reporting and the circumstances

12:32:42 4 surrounding his deployment. A key feature and the

12:32:45 5 starting point for our submissions is Francis's

12:32:50 6 motivation: to be the best and the deepest swimmer.

12:32:56 7 Across Francis's accounts there is a convene. We

12:33:00 8 have detailed in our written submissions. He wanted,

12:33:05 9 above all else, to be respected, regarded and included

12:33:09 10 as among the best undercover officers the SDS had ever

12:33:17 11 had. That was the key feature of his identity, how he

12:33:20 12 wanted to be seen. In the words of one of his managers:

12:33:23 13 second best was unacceptable to him.

12:33:27 14 To be the best in the SDS, an officer had to be what

12:33:30 15 Francis calls a deep swimmer. The most respected and

12:33:36 16 highly regarded officers across the whole of Special

12:33:38 17 Branch. He aspired to replicate the deployment of his

12:33:45 18 manager, Bob Lambert, who had done hands down the best

12:33:49 19 SDS tour of duty ever. Lambert was celebrated as a very

12:33:55 20 deep swimmer and, as the officer who had been

12:33:58 21 responsible for convictions of two people for arson at

12:34:02 22 Debenhams. The Debenhams story had become folklore to

12:34:07 23 the SDS. Francis wanted to be as deep a swimmer as

12:34:11 24 Lambert, with his own standout episode that he hoped

12:34:16 25 would make it into the annals of SDS folklore, the kind

12:34:21 1 of success that would have made Conrad Dixon proud.

12:34:28 2 There were a number of criteria by which the depth of

12:34:31 3 a deployment was judged.

12:34:33 4 The first was risk. The closer an officer could

12:34:37 5 show themselves to public disorder, violence or crime,

12:34:41 6 the deeper the deployment and the greater the regard in

12:34:44 7 which they were held.

12:34:45 8 The second was the closeness of the relationships

12:34:48 9 that they were able to form. The greater the deception,

12:34:52 10 the greater the status.

12:34:56 11 Third was the positions of responsibility that they

12:34:58 12 could obtain within their target groups. The more

12:35:02 13 central they could be, the greater status.

12:35:06 14 Another was the avoidance of compromise. If they

12:35:09 15 could completely their deployment without breaching the

12:35:12 16 SDS golden rule, i.e. without anyone knowing of the SDS's

12:35:18 17 existence, the greater the perception of their ability

12:35:21 18 and loyalty and the greater the status.

12:35:25 19 To be the best, Peter Francis had to achieve, or to

12:35:31 20 be seen to be achieving, each of these deep swimming or

12:35:35 21 tradecraft goals.

12:35:38 22 Importantly the management emphasis was not on

12:35:42 23 an objective analysis of the value of the intelligence

12:35:45 24 that these officers were reporting. Instead, it was on

12:35:50 25 how far they could inveigle themselves into the lives of

12:35:55 1 their targets. The closer the better, and the deeper
12:35:58 2 the better.

12:36:04 3 Withdrawal.

12:36:04 4 The final criteria that marked how deep an officer
12:36:08 5 swam was the length of their deployment. For Francis
12:36:11 6 this was to prove the most significant, because it
12:36:13 7 became the trigger for all that has happened
12:36:16 8 subsequently. We have provided a detailed analysis of
12:36:20 9 the circumstances around his withdrawal from the SDS in
12:36:24 10 our written submissions. In essence, he was withdrawn
12:36:28 11 against his will, far earlier than he wished, and
12:36:33 12 earlier than his colleagues. His deployment started in
12:36:36 13 late September 1993. He had hoped to exceed the
12:36:42 14 standard five-year term and manage a groundbreaking
12:36:46 15 seven years, but, after only three years of his
12:36:51 16 deployment he was told that his time was up.

12:36:54 17 For Francis, who sought respect and wanted to be the
12:37:00 18 best, it was a disaster. His self-image and sense of
12:37:04 19 identity were essentially shattered. He was extremely
12:37:07 20 angry about it. He dragged his tour of duty out to the
12:37:11 21 four-year mark with an unauthorised and manipulative
12:37:15 22 exfiltration. His anger was then exacerbated by what he
12:37:19 23 saw as disrespect from his managers after his
12:37:22 24 deployment. He was signed off sick in October 1999.

12:37:27 25 Finally, his managers decided that he was unfit to

12:37:31 1 continue as a police officer, and medically retired him
12:37:40 2 from the MPS on 12 April 2001 at the rank of detective
12:37:43 3 constable.

12:37:44 4 The 2003 statement. Francis's response in anger was
12:37:48 5 to sue the MPS for psychiatric damages. He provided
12:37:56 6 a statement in support of that claim in 2003.

12:37:59 7 Unsurprisingly that statement was conveniently ignored
12:38:01 8 in Francis's opening submission. Whilst psychological
12:38:07 9 support and compensation are said to have contributed to
12:38:10 10 the motivation behind the claim, Peter Francis's focus
12:38:14 11 was undoubtedly on receiving an apology and
12:38:17 12 a commendation. What he wanted, first and foremost, was
12:38:22 13 the respect and recognition that would enable him to
12:38:26 14 regain his identity as the best.

12:38:30 15 The 2003 statement is an exercise in
12:38:34 16 self-validation. Having failed the final criteria for
12:38:38 17 qualifying as a deep swimmer, it is a desperate attempt
12:38:43 18 to paint his deployment as worthwhile. I.e. to show that
12:38:47 19 he was one of the deepest swimmers, to show that he had
12:38:50 20 fulfilled the other criteria and show that he did
12:38:53 21 everything that was asked of him. Consequently, that
12:38:58 22 statement is a key document for two fundamental reasons.

12:39:01 23 First, it is a signed statement of truth in court
12:39:05 24 proceedings, yet it contains numerous provable
12:39:10 25 falsehoods about his own achievements and demonstrates

12:39:13 1 the extent to which he is prepared to exaggerate and
12:39:16 2 concoct them. As such, aspects of his accounts are
12:39:20 3 designed to demonstrate how good or at risk he was must
12:39:26 4 be treated at best with scepticism or simply dismissed.

12:39:32 5 Secondly, each exaggeration or concoction is
12:39:35 6 designed to show how good he was at doing what he had
12:39:38 7 been told to do. It would be pointless to try to
12:39:42 8 demonstrate that he was good at doing things that he was
12:39:46 9 not authorised to do.

12:39:48 10 As such, the statement demonstrates what the SDS
12:39:51 11 management expected from their undercover officers in
12:39:55 12 both tasking and tradecraft, where any aspect of
12:40:02 13 Peter Francis's accounts goes to the methods used by the
12:40:06 14 SDS and what was expected of him, its credibility is
12:40:11 15 bolstered by its inclusion in this statement.

12:40:15 16 The Metropolitan Police settled the claim rather
12:40:20 17 than defend it. Many of Peter Francis's allegations
12:40:23 18 about SDS tasking and tradecraft whilst initially denied
12:40:27 19 or downplayed by the police have since been corroborated
12:40:31 20 and approved. The claim settled in June 2006,
12:40:33 21 interaction between Francis and the SDS/MPS over the
12:40:40 22 next two years underscores these two fundamental points,
12:40:43 23 both his desire to be respected and the police desire to
12:40:46 24 cover up their tasking and tradecraft.

12:40:50 25 Francis tried desperately to be re-accepted and

12:40:55 1 respected by the SDS, to regain his identity as the
12:40:59 2 best. The police accommodated him, bringing him back
12:41:02 3 into the fold. Although he had admitted some of the
12:41:09 4 most appalling tasking and tradecraft, including sexual
12:41:13 5 relationships, the police gave him the apology and
12:41:15 6 commendation he sought. Francis's choice of guests at
12:41:19 7 his commendation ceremony speaks volumes to the kind of
12:41:24 8 officer he was. Bob Lambert and "Trevor Morris" were
12:41:25 9 invited, attended and gave Francis a second SDS leaving
12:41:28 10 party afterwards. Francis told his colleagues that he
12:41:33 11 had been loyal. That he had still protected the unit
12:41:36 12 throughout the civil claim. He was very happy to be
12:41:39 13 told he would be invited to the SDS 40th anniversary
12:41:43 14 ceremony the following year.

12:41:45 15 The difficulty was whilst Francis maintains even now
12:41:50 16 there had been no comeback on the unit as a result of
12:41:52 17 this civil claim, there clearly had been. The 2003
12:41:55 18 statement in court proceedings against the Metropolitan
12:41:58 19 Police ensured that the upper echelons of the MPS could
12:42:04 20 never deny that they knew exactly what kind of tasking
12:42:07 21 and tradecraft the SDS engaged in and how entrenched
12:42:13 22 those practices were.

12:42:14 23 In January 2008, three months after Peter Francis's
12:42:18 24 ceremony and second leaving do, the SDS were closed down
12:42:21 25 in disgrace.

12:42:23 1 Francis was told that because he was seen as
12:42:25 2 disloyal for bringing the civil claim he was no longer
12:42:29 3 invited to the 40th party. For Francis this was the
12:42:32 4 final straw. He was so enraged at being labelled
12:42:38 5 disloyal that his whole body was shaking until about
12:42:43 6 2.00 am that night. The following day he contacted the
12:42:46 7 journalist Tony Thompson.

12:42:48 8 Ultimately the reason that Peter Francis blew the
12:42:52 9 whistle on the SDS was anger, his subsequent suggestions
12:42:56 10 of more noble motives must be looked at alongside the
12:43:01 11 fact that up until October 2008, 11 years after his
12:43:02 12 deployment, his entire motivation was to be seen,
12:43:06 13 respected and included as one of deeper swimmers. He
12:43:09 14 desired that in the full knowledge that those swimmers
12:43:12 15 had perpetuated and been asked to perpetuate the
12:43:17 16 grievous abuses that had been the subject matter of this
12:43:18 17 Inquiry, being seen as a deep swimmer was fundamental to
12:43:23 18 Peter Francis's self-image as the best. It was the
12:43:26 19 reason he exaggerated and concocted his own
12:43:30 20 achievements.

12:43:30 21 It is the reason -- the reason -- that he persists
12:43:34 22 in maintaining much of that facade today.

12:43:38 23 So the real reason for the early withdrawal. The
12:43:42 24 sad truth is that Francis was undoubtedly dedicated. He
12:43:46 25 really did try to be the best and do what he was told.

12:43:50 1 However, on any objective analysis of his reporting, he
12:43:53 2 just did not have anything of value to report. In
12:43:58 3 Metropolitan Police jargon, the real reason for
12:44:01 4 Francis's withdrawal was that it was decided that the
12:44:04 5 customer requirement in respect of Militant Labour was
12:44:07 6 not sufficient to justify his extension. In other
12:44:12 7 words, even by SDS standards, Peter Francis's deployment
12:44:16 8 was completely pointless. He certainly was not, as he
12:44:20 9 claimed to be, one of the most successful SDS field
12:44:24 10 operators they had ever had.

12:44:26 11 The real reason for his withdrawal underscores the
12:44:29 12 extent to which Francis has concocted and exaggerated
12:44:32 13 his own achievements. If his targets were really
12:44:35 14 engaging in violence and disorder, like he still
12:44:39 15 maintains they were, he would never have been withdrawn.
12:44:42 16 The SDS had repeatedly tried to justify the
12:44:45 17 unjustifiable, but even they could not justify his
12:44:50 18 deployment.

12:44:51 19 Public order, violence and the illusion of risk.
12:44:55 20 The first criterion of deep swimming is for
12:44:59 21 an undercover officer to be seen as being close to
12:45:03 22 violence and therefore at risk. Exaggerating risk is
12:45:06 23 a key feature of the evidence across the tranches. In
12:45:10 24 Tranche 3 it is by no means limited to Peter Francis.
12:45:14 25 HN 81's creation of a false sense of jeopardy to try to

12:45:18 1 justify his infiltration of justice campaigns is another
12:45:22 2 particularly egregious example.

12:45:24 3 Risk exaggeration serves several key purposes for
12:45:27 4 the SDS management.

12:45:30 5 First, it was used to justify the existence of the
12:45:32 6 unit by ostensibly fulfilling the role of addressing
12:45:38 7 public disorder. It provided the unit with
12:45:40 8 a raison d'etre.

12:45:44 9 Secondly, it was used as a disguise behind which the
12:45:48 10 SDS could hide their real motivations. Again, HN 81's
12:45:54 11 deployment is a particularly noteworthy example.

12:45:58 12 Thirdly, it made undercover officers look good and
12:46:01 13 it made their managers also look good. It promoted
12:46:04 14 their self-images as individual officers and as a unit
12:46:09 15 of being brave and facing danger, when in the vast
12:46:13 16 majority of cases they were doing nothing of the sort.

12:46:18 17 Finally, it provided them with an excuse for their
12:46:21 18 excessive fear of compromise. If the SDS could say that
12:46:26 19 their officers faced physical danger if they were
12:46:30 20 discovered, then they could explain away their paranoia
12:46:33 21 around security.

12:46:34 22 In fact the fear of compromise stemmed from a fear
12:46:37 23 of having their targeting and tradecraft exposed. This
12:46:42 24 fear is well described in the 2009 closing report on the
12:46:47 25 SDS as pervasive within the security-obsessed

12:46:51 1 environment of the SDS operation, like a pressure cooker
12:46:57 2 for many, constantly feeding such fears.

12:47:01 3 Exaggeration of risk was the real ultimate defence
12:47:07 4 line that Geoff Craft described. The SDS needed it. As
12:47:11 5 a result the management engaged in it themselves and
12:47:14 6 endorsed and encouraged it in their field officers.

12:47:18 7 Whatever nonsense Francis has written about how
12:47:21 8 dangerous his deployment was, the SDS would not
12:47:24 9 challenge it, because on this point their interest was
12:47:29 10 so closely aligned with his.

12:47:33 11 Targeting. Youth Against Racism in Europe and
12:47:35 12 Kingsway College. Peter Francis -- the SDS management
12:47:40 13 set out the risk level in his targeting strategy. He
12:47:44 14 was told that he was being targeted into a violent
12:47:47 15 anti-facist alliance that was that major threat to
12:47:54 16 public order.

12:47:56 17 Importantly, Francis was not being targeted to
12:47:58 18 discover if this new group was violent. He was being
12:48:02 19 told that it was. His role was to be confirmatory
12:48:05 20 rather than investigative. The illusion of risk was
12:48:09 21 central to his deployment. As such it is still central
12:48:13 22 to his self-image as one of the best SDS officers. It's
12:48:20 23 the reason why, despite all the evidence to the
12:48:23 24 contrary, he still maintains that he was close to
12:48:26 25 violence and disorder. Over the years of his various

12:48:30 1 accounts he's had to tone down his exaggeration and
12:48:32 2 concoction, because they are so plainly untrue.

12:48:35 3 We have detailed three significant examples in our
12:48:39 4 written submissions.

12:48:40 5 (A) Francis's invention of a story around the
12:48:42 6 Rick Clark compromise, designed to bolster his account
12:48:47 7 that he lived in the daily knowledge that discovery
12:48:51 8 would bring instant violence, retribution and possibly
12:48:54 9 death. All of that is fantasy.

12:48:56 10 (B) the concoction that he had been the first ever
12:49:01 11 SDS officer to travel abroad and had endured sleepless
12:49:06 12 terror-filled nights at an intense political education
12:49:08 13 camp guarded by very guarded anarchists with AK47
12:49:13 14 assault rifles.

12:49:15 15 SDS officers had been travelling abroad for over
12:49:19 16 20 years. The summer camp had a disco and a chill-out
12:49:22 17 tent. He had partied enough to have a sexual
12:49:27 18 relationship with an activist while he was there. The
12:49:30 19 gun story, like HN 16 "James Straven's", is an invention
12:49:38 20 designed to mimic Bob Lambert.

12:49:41 21 (C) the imaginary violent dawn raids on Nazis simply
12:49:46 22 did not happen.

12:49:47 23 The single exception to Peter Francis's pattern of
12:49:50 24 toning down the extent of his disclosure to risk is his
12:49:51 25 account of a disorder at Welling on 16 October 1993. We

12:49:55 1 have submitted a comprehensive and detailed analysis of
12:49:59 2 the SDS reports on the Welling disorder in our Tranche 2
12:50:03 3 closing submissions on behalf of Lindsey German. Those
12:50:07 4 have not yet been published, but we ask the Inquiry to
12:50:11 5 publish them so that they can be read alongside our
12:50:14 6 written submissions in this tranche.

12:50:17 7 We do not have the time to summarise those
12:50:20 8 submissions today, but we urge you to consider them very
12:50:25 9 carefully indeed.

12:50:28 10 Lawful violence. More generally in respect of
12:50:33 11 proximity to violence, Peter Francis has toned down to
12:50:37 12 a 2023 September acceptance that the "majority of my
12:50:41 13 targets would only have been engaged in defensive
12:50:44 14 reactionary violence with the fascist groups".

12:50:49 15 In the early 1990s, faced with mounting and extreme
12:50:54 16 racist violence from fascist groups such as Combat 18 it
12:50:59 17 became necessary to engage in defensive, i.e. lawful
12:51:04 18 violence, particularly where an institutionally racist
12:51:08 19 police force did nothing to prevent it. As Hannah Sell
12:51:12 20 has put it, the Youth Against Racism in Europe
12:51:14 21 stewarding group did not run from Combat 18 or the BNP,
12:51:19 22 they stood their ground and fought back.

12:51:23 23 Francis still maintains that there were occasions
12:51:26 24 when he was responsible for initiating the violence.
12:51:32 25 But (a) he's unable to recall any of those occasions and

12:51:37 1 (b) his assertion is wholly unsupported by his reporting
12:51:41 2 at the time.

12:51:42 3 Otherwise, Francis's most recent comments on
12:51:44 4 violence are marked by inherent inconsistency and
12:51:48 5 an unwillingness to differentiate between lawful and
12:51:52 6 unlawful violence.

12:51:55 7 For example, at one point he states, "We as a group
12:51:57 8 certainly instigated violence with the BNP. I, as part
12:52:04 9 of that group, attacked people".

12:52:05 10 A few pages later when asked if he had engaged in
12:52:09 11 violence, he said, yes, but only when he had to defence
12:52:13 12 himself against riot police and fascists.

12:52:17 13 When asked about incidents of public disorder or
12:52:21 14 violence that he had witnessed or been involved in, he
12:52:24 15 could only recall two that activists were said to be
12:52:32 16 involved in. One was an altercation between Youth
12:52:34 17 Against Racism in Europe members and fascists after
12:52:37 18 a demonstration at a McDonald's when he recalls windows
12:52:40 19 being smashed. Coincidentally this was the only
12:52:45 20 incident that he appears to have reported.

12:52:47 21 The second is the disorder at the Welling
12:52:52 22 demonstration. It is noteworthy that the only example
12:52:54 23 of bodily harm that Peter Francis can specifically
12:52:57 24 recall from his deployment is of two women injured by
12:53:01 25 police at Welling. It is also noteworthy that his most

12:53:05 1 enduring memory appears to be linking arms to protect
12:53:10 2 the group at the front with the stewarding group: to
12:53:13 3 protect the group from the BNP and/or riot police.

12:53:17 4 False allegations of violence. In our written
12:53:20 5 submissions, we have noted a correlation between false
12:53:24 6 reporting of the threat posed by demonstrators and
12:53:28 7 subsequent violent police responses to demonstrations.

12:53:33 8 Francis drafted numerous reports on individuals in which
12:53:37 9 he flagged them as violent. In every case there was no
12:53:42 10 evidence provided to suggest that they really were, yet
12:53:45 11 every one of those individuals had their police records
12:53:49 12 marked accordingly. The SDS illusion of risk created
12:53:52 13 a genuine risk both to individual protesters and to
12:53:56 14 public order as a whole.

12:53:57 15 We have given a detailed account of the impact of
12:54:00 16 this kind of reporting on Lois Austin. At Earl's Court
12:54:05 17 in January 1994, she and 30 other activists were
12:54:08 18 brutally assaulted by uniformed police officers in an
12:54:11 19 unprovoked and premeditated attack. The surrounding
12:54:16 20 evidence suggests that she was targeted specifically as
12:54:19 21 a result of the constructive image of her as someone
12:54:23 22 violent and needing to be contained.

12:54:26 23 The same was true at Welling. SDS reporting created
12:54:32 24 an exaggerated sense of jeopardy and risk which led to
12:54:35 25 brutal and unprovoked assaults on protesters, including

12:54:42 1 that on Julie Waterson that we addressed in that our
12:54:45 2 Tranche 2 closing. Both Julie Waterson and Lois Austin
12:54:50 3 sued the police for the assaults that they were
12:54:52 4 subjected to. Both of them were successful.

12:54:54 5 In our written submissions we have noted a further
12:54:56 6 point. There were three significant police riots in the
12:55:00 7 early part of the Tranche 3 period: Welling, Earls Court
12:55:05 8 and the Criminal Justice demonstration at Hyde Park in
12:55:09 9 October 1994. Every report that this Inquiry has on
12:55:15 10 these three demonstrations were obtained from Security
12:55:18 11 Service archives; the Metropolitan Police did not
12:55:24 12 provide a single one.

12:55:25 13 The true picture. We have conducted a thorough and
12:55:28 14 detailed analysis of all of Francis's reporting in our
12:55:31 15 written submissions. It conclusively demonstrates that
12:55:34 16 his allegations of violence and disorder are false.
12:55:38 17 There is no written record to substantiate the picture
12:55:41 18 that he's tried to present.

12:55:42 19 In fact, the opposite is true. The vast majority of
12:55:46 20 his reports on demonstrations, rallies and pickets, (A)
12:55:52 21 expect no disorder, and (B) describe no disorder. There
12:55:56 22 is one report that describes minor disorder in 1993 and
12:55:59 23 that lacks any meaningful detail; there were two in
12:56:03 24 1994. Both are consistent with Youth Against Racism in
12:56:06 25 Europe stewards acting in self-defence or the defence of

12:56:10 1 others. In 1995, Francis reported that two
12:56:13 2 demonstrators were arrested for having a heated debate
12:56:16 3 with police officers. There are no reports describing
12:56:19 4 disorder from 1996 or 1997.

12:56:21 5 The Metropolitan Police or the SDS may well destroy,
12:56:26 6 mislay or withhold material that damages their
12:56:30 7 reputation -- the police riot reports are a prime
12:56:33 8 example -- but it makes no sense at all they would lose
12:56:37 9 or destroy the very reports that could go to justifying
12:56:45 10 the existence of the SDS. The evidence corroborated by
12:56:49 11 the reporting is that there was no public order,
12:56:52 12 violence or criminality justification for
12:56:54 13 Peter Francis's deployment.

12:56:55 14 In fact, the opposite is true. A Searchlight report
12:57:00 15 containing a comprehensive analysis of the criminal
12:57:03 16 convictions of members of far-right groups notes a clear
12:57:07 17 and considerable decline in fascist violence between
12:57:11 18 June 1994 and January 1998. That decline in fascist
12:57:16 19 violence corresponds exactly with the subsequent decline
12:57:20 20 in anti-fascist activity that is clear from
12:57:24 21 Peter Francis's reporting.

12:57:25 22 This correlation demonstrates two fundamental
12:57:28 23 points. First, if the fascists are not attacking
12:57:32 24 people, then there is no need to defend communities.
12:57:36 25 Youth Against Racism in Europe activity declined because

12:57:39 1 the need for them to defend others declined.

12:57:42 2 Secondly, the fascist violence declined immediately

12:57:48 3 after a united activist and community response:

12:57:51 4 anti-fascist community protection stops violent fascist

12:57:59 5 crime.

12:58:00 6 Militant Labour. The bulk of Francis's reporting

12:58:05 7 covered Militant Labour. They had been a primary target

12:58:08 8 of Government and the Social Services throughout the

12:58:11 9 1980s, largely focused on their involvement in militant

12:58:14 10 trade unionism. MI5 and Special Branch had been

12:58:19 11 covering Militant for well over a decade by the time

12:58:22 12 that Francis was deployed. MI5 had their own internal

12:58:26 13 coverage; the West Midlands Special Branch had deployed

12:58:29 14 an agent into the constituency office of David Nellist

12:58:33 15 when he was MP for South East Coventry. They even

12:58:37 16 opened a Special Branch file on him in the year that he

12:58:40 17 was elected as an MP.

12:58:41 18 We note that the Home Office has insisted on the

12:58:45 19 Inquiry limiting its terms of reference in relation to

12:58:50 20 tranche 5. That has ensured that this important chapter

12:58:53 21 of undercover policing on an elected Member of

12:58:56 22 Parliament has been excluded from the Inquiry. The

12:58:59 23 Home Office should reconsider their position.

12:59:01 24 In May 1992, the Security Services assessed the

12:59:06 25 subversive threat as low. As a result, they scaled back

12:59:10 1 their interest in groups such as the Socialist Workers
12:59:12 2 Party and Militant. They retained an interest in such
12:59:15 3 groups, particularly in relation to industrial disputes
12:59:18 4 and reporting on militant trade unionism. Consequently
12:59:25 5 there is little doubt that MI5 would have gratefully
12:59:28 6 received Peter Francis's reporting on the employment and
12:59:31 7 trade union membership of Militant members. Of the 109
12:59:37 8 nominal pro formas that Francis completed, 39 contained
12:59:44 9 employment or union details. Such reports would also
12:59:46 10 have been valued by Special Branch customers such as
12:59:50 11 List X companies.

12:59:52 12 MI5 would also have had some residual interest in
12:59:59 13 Francis's reporting in Militant's organisational
13:00:01 14 structure -- conferences, internal elections,
13:00:05 15 membership, finances and bank details -- but his reports
13:00:08 16 lacked the detail and thoroughness of those prepared by
13:00:11 17 the many officers before him who had infiltrated the
13:00:15 18 Socialist Workers Party.

13:00:15 19 The other significant topic covered by Francis in
13:00:19 20 his reports on activists is their sexuality,
13:00:24 21 relationships and family details. One particular
13:00:27 22 concerning aspect of Francis's most recent statement is
13:00:30 23 his reference to the use of potentially compromising
13:00:33 24 information to recruit informers by blackmailing them.
13:00:37 25 This use of personal information is corroborated

13:00:39 1 elsewhere in the evidence.

13:00:41 2 If Francis is right that Special Branch had

13:00:43 3 an acronym MICE -- Money, Ideology, Compromise, Ego --

13:00:53 4 to describe the process, that would suggest the practice

13:00:56 5 was systemic. Blackmail is towards the higher end of

13:01:01 6 the hierarchy of criminal offending. It is ironic that

13:01:08 7 while Francis was not reporting on any criminal

13:01:11 8 activity, his reporting may well have been facilitating

13:01:13 9 it. It is difficult to see how Francis's intelligence

13:01:16 10 could be said to be reporting very high grade

13:01:19 11 intelligence about people working for Militant unless it

13:01:23 12 was being used for talent-spotting, or vetting,

13:01:26 13 blackmailing or blacklisting.

13:01:29 14 The rest of Francis's report ranged from the puerile

13:01:32 15 to the tedious. Overall it was what the SDS closing

13:01:37 16 report describe as "titbits of idle gossip" that simply

13:01:47 17 padded out an otherwise redundant operational

13:01:49 18 deployment.

13:01:50 19 By the summer of 1995, not even two years into

13:01:51 20 Francis's deployment, MI5 appear to have stopped

13:01:53 21 archiving his reports. By May 1996, they have wound

13:01:58 22 down their study of allegedly subversive groups to

13:02:03 23 a watching brief. The SDS management recognised that

13:02:04 24 there were no public order issues for Francis to report

13:02:07 25 on. Peter Francis has simply been reporting on people

13:02:10 1 who matched his own definition of subversive, i.e. people
13:02:15 2 who really wanted to change society. His reporting was
13:02:18 3 not counter subversive: it was anti-democratic.

13:02:25 4 Tradecraft and tasking. While Francis's accounts of
13:02:30 5 his own achievements do not stand up to scrutiny, his
13:02:34 6 desperation to prove himself a deep swimmer gives
13:02:39 7 a reliable indication of what he had been told to do in
13:02:42 8 order to be one. His tradecraft and targeting emphasise
13:02:45 9 the depths to which the SDS had sunk and how entrenched
13:02:50 10 the worst of their practices had become.

13:02:54 11 In our written submissions we have addressed various
13:02:54 12 aspects that I do not have time to deal with now: they
13:02:55 13 include Peter Francis encouraging activists to engage in
13:02:58 14 disorder; they demonstrate the SDS's return to targeting
13:03:01 15 their officers into positions of influence and
13:03:05 16 responsibility; they demonstrate the contempt that the
13:03:08 17 SDS held for the activists they spied on.

13:03:11 18 We have also addressed the extent to which Francis
13:03:13 19 has exaggerated his engagement in sexual relationships
13:03:19 20 whilst he was deployed. Once again, by trying to show
13:03:23 21 he was the best, he has demonstrated how entrenched this
13:03:28 22 practice was in the SDS.

13:03:29 23 Appallingly, contrary to what he told the civil
13:03:33 24 court in his 2003 statement, Francis was not overly
13:03:38 25 concerned about being unfaithful to his wife. He

13:03:41 1 actually chose to make it part of his persona that he
13:03:45 2 was a person who had casual sex as part of his
13:03:49 3 character. He specifically designed his infiltration as
13:03:52 4 a means of having sexual relationships outside of his
13:03:56 5 marriage, with the consent of his managers.

13:03:59 6 Francis's bragging on this issue has had unfortunate
13:04:06 7 consequences for Judy Beishon. As a result of a rumour
13:04:11 8 that could only have originated from him, SDS officers
13:04:14 9 came to the false conclusion that he had engaged in
13:04:17 10 a sexual relationship with her. That rumour was
13:04:20 11 repeated to Operation Herne in 2013. Rather than give
13:04:26 12 Julie the opportunity to rebut the false allegation,
13:04:31 13 Operation Herne decided in 2016 they would not approach
13:04:35 14 her for her account. That was an appalling decision,
13:04:39 15 because it has allowed the rumour to be discussed within
13:04:43 16 the Metropolitan Police and this Inquiry right up until
13:04:48 17 she was informed on 21 June 2024.

13:04:51 18 As far as we are aware, Peter Francis has never
13:04:55 19 suggested that his affair was with Judy Beishon.
13:05:01 20 However, by refusing to confirm or deny it, he's allowed
13:05:05 21 it to be implied.

13:05:06 22 In her Rule 9 statement, Judy Beishon has now
13:05:11 23 comprehensively rebutted the suggestion that she engaged
13:05:14 24 in any form of sexual relationship with Peter Francis.
13:05:17 25 She is more than willing to come to this Inquiry and

13:05:20 1 rebut it in person should that be required.

13:05:23 2 The final area of tradecraft addressed in our

13:05:27 3 written submissions is interference with justice and

13:05:30 4 justice campaigns. Once again, Francis's 2003 statement

13:05:34 5 provides real insight into what the SDS wanted from him.

13:05:39 6 In this case, the tasking he was given is not such

13:05:42 7 a reliable indicator of how good he was at it.

13:05:48 8 The Metropolitan Police Service was most definitely

13:05:51 9 interested in justice campaigns that addressed police

13:05:54 10 racism and brutality and bungled investigations. As

13:05:58 11 Michael Mansfield KC has said, the culture of

13:06:02 12 institutional defensiveness that has pervaded police

13:06:05 13 forces for decades was palpable at that point in time.

13:06:10 14 Peter Francis, though, was not in a position to

13:06:14 15 assist. Characteristically, to show how successful he

13:06:17 16 was in a tasking he had been given, he claimed to have

13:06:21 17 done very good work with the Black campaign

13:06:23 18 organisations. Notably, he also thought that this very

13:06:26 19 good work would, or should, have stopped his withdrawal.

13:06:29 20 Our analysis of his accounts and reporting

13:06:33 21 demonstrate that he was not as close to justice

13:06:35 22 campaigns as he's portrayed himself as being. For

13:06:38 23 example, of the 15 or so campaigns that he lists himself

13:06:43 24 as spying on in his 2003 statement, he actually reported

13:06:47 25 on two. Even that reporting was infrequent and sparse.

13:06:52 1 Ironically, Francis would have been in a position to
13:06:56 2 report on the campaigns if he had not moved on from his
13:07:00 3 original target, "Lewis".

13:07:02 4 After February 1994, there was little or no
13:07:05 5 reporting at all from Francis on him. In keeping with
13:07:09 6 standard SDS tradecraft, once Francis had gained access
13:07:15 7 to Youth Against Racism in Europe and Militant, he moved
13:07:20 8 on. The result was that when the Kingsway Anti-Fascist
13:07:21 9 Group became the Movement for Justice, a group more
13:07:26 10 heavily focused on justice campaigns than Militant,
13:07:30 11 Francis was not in a position to report on them.

13:07:33 12 Moving on was Francis's biggest mistake and the
13:07:37 13 decision that ultimately led to his early withdrawal.
13:07:41 14 As the Security Service's interest in Militant declined,
13:07:41 15 the Metropolitan Police's interest in justice campaigns,
13:07:44 16 and particularly the Stephen Lawrence campaign,
13:07:46 17 increased dramatically.

13:07:48 18 It must have been particularly galling for Francis
13:07:52 19 that just four months after he had suffered the shame of
13:07:55 20 an early withdrawal from the SDS, Bob Lambert arranged
13:07:59 21 for HN 81 to visit him at his home. Francis had to then
13:08:08 22 brief his successor on "Lewis" and other former Kingsway
13:08:11 23 Anti-Fascist Group members and what little he knew of
13:08:14 24 the Lawrence family campaign. HN 81's targeting of
13:08:15 25 Francis's former target once again demonstrates that in

13:08:17 1 his 2003 statement, Francis has given an accurate
13:08:20 2 account of what he had been told to do and a wholly
13:08:23 3 inaccurate account of how good he was at doing it.

13:08:26 4 The Metropolitan Police's institutional
13:08:30 5 defensiveness and culture of protecting their own led to
13:08:34 6 instances of interference with justice that went beyond
13:08:38 7 intelligence gathering on justice campaigns. The
13:08:42 8 Tranche 3 period is characterised by increased reporting
13:08:46 9 on lawyers and an apparently increased willingness to
13:08:51 10 disregard legal professional privilege. There are also
13:08:55 11 examples of a willingness to interfere in civil actions
13:08:58 12 against the police. We shall address those in our
13:09:02 13 opening submissions in the next phase of this tranche.

13:09:05 14 The evidence of Peter Francis illustrates the extent
13:09:11 15 to which the conduct and culture within the SDS rendered
13:09:15 16 individual officers ill-suited to the role they were
13:09:18 17 tasked with. This is particularly true of Francis. His
13:09:21 18 approach was to exaggerate his own actions, his own
13:09:24 19 achievements and the significance of his intelligence.
13:09:26 20 Far from being the best as he sought portray himself,
13:09:31 21 Francis was emblematic of the worst aspects of the SDS,
13:09:36 22 self-aggrandising and exaggerating his own risk and the
13:09:40 23 intelligence he provided.

13:09:43 24 Instead of providing meaningful intelligence about
13:09:45 25 the activities of the Youth Against Racism in Europe or

13:09:48 1 Militant Labour, his accounts were so poor and
13:09:52 2 meaningless that they undermined the confidence in the
13:09:56 3 SDS and the unlawful edifice of political policing as
13:10:02 4 a whole.

13:10:03 5 Thank you.

13:10:04 6 THE CHAIR: Thank you very much. You did not overrun by
13:10:06 7 more than a minute or two.

13:10:08 8 May I just mention one topic that you raised in your
13:10:12 9 opening remarks.

13:10:13 10 MR SCOBIE: Yes.

13:10:15 11 THE CHAIR: Judy Beishon has made a statement in which, as
13:10:18 12 you rightly say, she flatly denies any sexual encounter
13:10:22 13 with Peter Francis.

13:10:25 14 MR SCOBIE: Yes.

13:10:25 15 THE CHAIR: I have not asked her to give oral evidence to
13:10:28 16 support her denial, simply because I have no present
13:10:31 17 reason to doubt it. If that remains the position, then
13:10:35 18 nothing more will be said about it.

13:10:38 19 MR SCOBIE: Sir, thank you very much indeed for that
13:10:39 20 indication. That's very helpful, thank you.

13:10:48 21 THE CHAIR: We will take 55 minutes for lunch and start at
13:10:52 22 2.05 pm.

13:10:55 23 (1.11 pm)

13:11:07 24 (The luncheon adjournment)

14:06:13 25 (2.05 pm)

14:06:14 1 Opening statement by MS HEAVEN

14:06:15 2 MS HEAVEN: This is the opening statement made on behalf of

14:06:17 3 the co-operating group of non-police non-state core

14:06:17 4 participants who have expressed a view about Tranche 3,

14:06:21 5 Phase 1, who I will refer to as "the group". This

14:06:24 6 supplements the statements that have been made directly

14:06:27 7 on behalf of non-state individuals and groups by their

14:06:30 8 instructed lawyers and the groups within their opening

14:06:32 9 statement.

14:06:33 10 Over the last three days this Inquiry has heard

14:06:37 11 harrowing accounts detailing the impact that SDS

14:06:40 12 undercover operations had and continues to have on

14:06:43 13 non-state core participants, many of whom were simply

14:06:47 14 seeking to exercise their democratic rights.

14:06:50 15 The Inquiry has also heard more admissions from the

14:06:53 16 Metropolitan Police Service, MPS, on behalf of the

14:06:57 17 Commissioner, in respect of what is described as:

14:07:00 18 "The serious wrongdoing by some undercover officers

14:07:05 19 and serious mismanagement by SDS and Metropolitan Police

14:07:11 20 Special Branch managers."

14:07:13 21 It is of note and welcomed that unlike in Tranche 2

14:07:19 22 the MPS now accepts that as an organisation it failed,

14:07:23 23 not in hindsight but by the standards that should have

14:07:26 24 prevailed at the time. The group also welcomes the

14:07:30 25 acceptance from the MPS that their reliance on the

14:07:32 1 policy to neither confirm nor deny, NCND, was wrong, as
14:07:41 2 it prioritised secrecy over openness and candour,
14:07:44 3 however it must not be forgotten that reliance
14:07:48 4 on neither confirm nor deny has historically informed
14:07:51 5 how the MPS has approached this Inquiry, including in
14:07:53 6 MPS submissions in 2016 on the correct legal approach to
14:07:57 7 the making of restriction orders by this Inquiry.

14:08:00 8 The opening statement made by Mr Imran Khan KC on
14:08:03 9 behalf of the Blacklist Support Group core participants
14:08:07 10 sets out in more detail how the MPS's reliance on
14:08:13 11 neither confirm nor deny frustrated their search for the
14:08:17 12 truth in respect of blacklisting. This is just one
14:08:19 13 example of the impact of MPS reliance on neither confirm
14:08:23 14 nor deny.

14:08:25 15 Despite the admissions that have been made the group
14:08:28 16 questions whether the MPS has in fact gone far enough in
14:08:32 17 this Inquiry. The opening statement for the MPS in
14:08:35 18 Tranche 3 rightly accepts that "reporting on family
14:08:38 19 justice campaigns, including about the Lawrences, was
14:08:42 20 known to senior officers in the MPS Special Branch and
14:08:46 21 the MPS".

14:08:50 22 However, it remains notably silent when it comes to
14:08:54 23 identifying who at the highest operational and political
14:08:57 24 levels was demanding and directing unlawful SDS
14:09:03 25 intelligence gathering. The group asks why there are no

14:09:07 1 admissions and indeed no apology from the MPS for the
14:09:10 2 direct involvement of their own former commissioners and
14:09:13 3 deputy commissioners in what was an obviously unlawful
14:09:16 4 and racially discriminatory system of policing.

14:09:22 5 If the MPS want to demonstrate a full commitment to
14:09:25 6 candour, transparency and frankness in this Inquiry,
14:09:29 7 then they must publicly explain the role played in SDS
14:09:35 8 targeting by those at the highest levels within the MPS.
14:09:39 9 They must also directly address the concerns raised by
14:09:42 10 some non-police non-state core participants that SDS
14:09:45 11 targeting arose in part because of political pressure
14:09:48 12 being applied by the Home Office.

14:09:50 13 Over the years, the senior leadership of the MPS
14:09:53 14 have sought to deny any connection with and knowledge of
14:09:59 15 SDS targeting. In 2013, in his interview with
14:10:06 16 Mark Ellison, Sir Paul Condon claimed not to know about
14:10:08 17 the SDS, stating, "I do not remember any piece of paper
14:10:12 18 or briefing or any meeting where I thought, ah, that is
14:10:16 19 the Special Demonstration Squad". However, it is now
14:10:18 20 clear from the material before the Inquiry in Tranche 3
14:10:21 21 that it is simply unsustainable for Sir Paul Condon to
14:10:26 22 maintain a position of blind ignorance in respect of the
14:10:29 23 SDS. The evidence plainly shows that Sir Paul Condon
14:10:33 24 met with SDS undercover officers to briefly discuss
14:10:38 25 their operations when he visited the SDS safe house to

14:10:42 1 thank them following the Welling demonstration.

14:10:45 2 As also identified in Counsel to the Inquiry's

14:10:47 3 opening statement on Monday, entries from the minute

14:10:51 4 sheet accompanying the 1996 to 1997 SDS annual report

14:10:55 5 show that Sir Paul Condon and the then Assistant

14:10:59 6 Commissioner of Special Operations, Sir David Veness,

14:11:01 7 saw the report and lavished high praise on the SDS.

14:11:07 8 Of note, this is the same annual report that

14:11:09 9 referred to the SDS's long-term operations, including

14:11:13 10 into left-wing groups and "community-based pressure

14:11:17 11 groups".

14:11:18 12 However, the evidence in Tranche 3 goes even further

14:11:21 13 and suggests that the senior leadership of the MPS were

14:11:26 14 also customers for SDS intelligence. As the Inquiry

14:11:29 15 also knows, HN 81, cover name "David Hagan", told

14:11:34 16 Operation Herne that he:

14:11:35 17 "... was informed at the height of the Macpherson

14:11:37 18 Inquiry, that my reporting was going straight to

14:11:41 19 Sir Paul Condon's desk each morning via Detective

14:11:43 20 Sergeant Steve Beels. Detective Sergeant Tiddy passed

14:11:49 21 on to me from Detective Sergeant Steve Beels

14:11:52 22 congratulations from the Commissioner for your excellent

14:11:55 23 reporting."

14:11:55 24 We can see that HN 81 "Hagan's" reporting was

14:12:00 25 clearly of interest to senior MPS officers, as his 1988

14:12:05 1 to 1999 annual performance review stated that he
14:12:08 2 "collated and disseminated a series of reports which
14:12:13 3 ensure that the Commissioner and his closest colleagues
14:12:16 4 were kept appraised of sensitive issues as they
14:12:19 5 unfolded".

14:12:20 6 This was further confirmed in a 2006 report, which
14:12:24 7 described HN 81 "Hagan's" contribution to senior MPS
14:12:30 8 officers as "both timely and significant".

14:12:33 9 There is other evidence to suggest that senior MPS
14:12:36 10 leadership authorised SDS target. HN 72 held a senior
14:12:43 11 managerial role as the Detective Inspector of the SDS
14:12:46 12 from 2005 to 2007. He stated to Operation Herne that
14:12:49 13 HN 81 "David Hagan's" tasking to the Stephen Lawrence
14:12:59 14 Inquiry would have come then directly from the then
14:13:01 15 Deputy Commissioner, Sir John Stevens, who gave "the go
14:13:05 16 ahead". Sir John Stevens was also in place in 2003 when
14:13:09 17 HN 43 Peter Francis made a witness statement in his
14:13:12 18 civil claim against the MPS.

14:13:14 19 The Inquiry has heard the powerful opening
14:13:16 20 statements made on behalf of Dr Neville Lawrence,
14:13:21 21 Baroness Lawrence OBE and Michael Mansfield KC. They
14:13:24 22 are in no doubt that the concern expressed at the
14:13:27 23 highest level of the MPS that Baroness Lawrence and her
14:13:31 24 family were "a problem" demonstrates that the suggestion
14:13:35 25 that the Lawrence family were the subject of collateral

14:13:39 1 intrusion is simply untenable.

14:13:41 2 The opening statement made on behalf of

14:13:44 3 Duwayne Brooks OBE explains how John Grieves, as deputy

14:13:48 4 Assistant Commissioner of the MPS, and head of the

14:13:50 5 Stephen Lawrence murder investigation, covertly recorded

14:13:53 6 meetings he had with Duwayne Brooks's legal team.

14:13:58 7 It is understood that Sir Paul Condon has made

14:14:01 8 a statement to the Inquiry, it is also understood that

14:14:03 9 the Inquiry has obtained a copy of the statement

14:14:05 10 provided by Sir John Stevens to Operation Herne.

14:14:09 11 However it is unclear whether a further Inquiry

14:14:11 12 statement will be sort from Sir John Stevens.

14:14:15 13 What is clear is that both these important former

14:14:19 14 Commissioners must be called to give oral evidence to

14:14:22 15 this Inquiry to publicly account for their involvement

14:14:24 16 in some of the most egregious abuses that this Inquiry

14:14:27 17 will consider.

14:14:29 18 Sir, you have also heard an opening statement from

14:14:32 19 the Home Secretary. The group are pleased to hear that

14:14:35 20 the Home Secretary considers that it is vital that this

14:14:38 21 Inquiry gets to the truth of what happened to ensure

14:14:41 22 that lessons can be learnt. The group, however, remain

14:14:45 23 dismayed that again in an opening statement to this

14:14:47 24 Inquiry the Home Secretary remains largely silent on

14:14:52 25 what the Home Office knows about the SDS and the role it

14:14:55 1 played in the matters you are investigating.

14:14:59 2 This is simply not a frank, transparent or candid
14:15:03 3 response. It is not consistent with the legal duties in
14:15:06 4 the Public Office (Accountability) Bill 2025.

14:15:11 5 The evidence in Tranche 3 now indicates that the SDS
14:15:14 6 may have succumbed to pressure from the Home Office in
14:15:19 7 how it ran its operations. For example, there is some
14:15:21 8 suggestion from Commander Donald Buchanan that the
14:15:25 9 Home Office was "very slippery to deal with", and
14:15:29 10 "wanted too many briefings". Commander Donald Buchanan
14:15:36 11 identified himself and Commander Ben Gunn as officers
14:15:39 12 who stood up to the Home Office and as a result were
14:15:42 13 "not popular".

14:15:45 14 The evidence in Tranche 3 also suggests that the MPS
14:15:51 15 Special Branch decision to create secret back channels
14:15:54 16 to provide intelligence to the Stephen Lawrence review
14:15:58 17 team was motivated by political pressure on the MPS from
14:16:02 18 the Home Office and from the highest levels of
14:16:06 19 government. In the course of these secret meetings
14:16:09 20 Detective Inspector Richard Walton is recorded by
14:16:09 21 Detective Inspector Bob Lambert as having:

14:16:12 22 "... explained that there was great sensitivity
14:16:14 23 around the Lawrence issue, with both the Home Secretary
14:16:17 24 and the Prime Minister extremely concerned that the
14:16:19 25 Metropolitan Police could end up with its credibility in

14:16:24 1 the eyes of London's Black community completely
14:16:28 2 undermined."

14:16:30 3 There is also a contemporaneous file note written by
14:16:32 4 Detective Inspector Lambert documenting that Detective
14:16:35 5 Inspector Walton explained how:

14:16:37 6 "the Home Office was very sensitive about the wider
14:16:41 7 implications of the Lawrence case, in particular the
14:16:44 8 potential for rioting or disorder by sections of the
14:16:47 9 Black community in the wake of an irretrievable loss of
14:16:51 10 confidence in the police."

14:16:53 11 Allied to this was a concern about the damaging
14:16:55 12 affects of sustained political pressure from the hard
14:17:00 13 left and anti-police elements.

14:17:02 14 Detective Inspector Lambert stated to
14:17:04 15 Operation Herne in 2013 that the Home Office knew about
14:17:07 16 what the SDS were doing in respect of reporting around
14:17:09 17 the Stephen Lawrence campaign and the Macpherson
14:17:12 18 Inquiry. He stated in interview:

14:17:15 19 "Richard Walton was one of us customers. I suppose
14:17:20 20 he was a particular customer with a particular
14:17:24 21 requirement, because he was working directly for the
14:17:27 22 Commissioner in relation to the Metropolitan Police
14:17:29 23 Service response to the Stephen Lawrence Inquiry."

14:17:33 24 He later said in that same interview:

14:17:35 25 "It was widely understood at the time, you know,

14:17:38 1 across the Home Office and what we are doing, you know,
14:17:41 2 SDS, um, and particular senior management, you know,
14:17:44 3 regular discussion with the Home Office at the highest
14:17:47 4 level on what this, the threats were."

14:17:51 5 As the Inquiry knows, HN 43 Peter Francis claims in
14:17:57 6 his witness statement to the Inquiry that:

14:17:58 7 "The Home Office, or at least certainly the
14:18:01 8 Home Secretary, was aware of the unit, and allegedly the
14:18:04 9 Prime Minister was aware."

14:18:06 10 The group has highlighted in previous opening
14:18:08 11 statements the evidence to indicate that the SDS was
14:18:11 12 known about at the highest political levels. There is
14:18:16 13 now evidence in Tranche 3 indicating in a renewal of
14:18:20 14 authorisation that certain reporting produced by HN 104
14:18:24 15 Carlos Soracchi, cover name "Carlo Neri", was noted to
14:18:29 16 have "been invaluable to the Security Service and the
14:18:32 17 Cabinet Office". Why was the Cabinet Office so
14:18:36 18 interested in SDS reporting, the group ask? This
14:18:41 19 question must be explored in this Inquiry.

14:18:44 20 Disclosure in Tranche 3 raises even more questions
14:18:46 21 as to the extent to which the SDS was known about at the
14:18:50 22 highest levels of Government. HN 43 Peter Francis has
14:18:56 23 provided documentation created for the 1983 Metropolitan
14:19:02 24 Police Special Branch Centenary Ball, which was attended
14:19:06 25 by the then Prime Minister Margaret Thatcher and the

14:19:09 1 then Home Secretary William Whitelaw. This
14:19:13 2 documentation includes handwritten comments from former
14:19:15 3 Prime Minister Mrs Thatcher, with an attached briefing
14:19:19 4 document from the MPS Special Branch on which someone
14:19:22 5 has written the words "the SDS". The handwriting which
14:19:26 6 says "the SDS" has been redacted by the Inquiry, which
14:19:29 7 prevents comparison with the other handwriting in this
14:19:32 8 document.

14:19:33 9 The Inquiry should ascertain who made this document
14:19:38 10 and clarify who made the annotation "The SDS".

14:19:42 11 Reflecting on the way in which the SDS was an
14:19:44 12 affront to the rule of law in a rules-based democracy,
14:19:49 13 Michael Mansfield KC makes the following observation in
14:19:53 14 his written opening statement to the Inquiry:

14:19:56 15 "Politicians must account through all evidence in
14:19:57 16 Tranche 3 for the central role that they played in the
14:20:02 17 sanctioning of the SDS and its activities. Oral
14:20:06 18 evidence from those politicians involved is the only way
14:20:09 19 for the Inquiry to get to the heart of this attack on
14:20:12 20 the rule of law. These politicians must be questioned on
14:20:15 21 the political motivations for specific undercover
14:20:18 22 reporting."

14:20:19 23 The fact that to this day the Home Office and MPS
14:20:24 24 are unwilling to admit the political motivation for the
14:20:27 25 SDS activities demonstrates that the affront to the rule

14:20:30 1 of law is ongoing."

14:20:33 2 The Home Office has confirmed in its tranche 3
14:20:37 3 opening statement that it has not been asked to provide
14:20:40 4 a witness statement to this Inquiry. Given the lack of
14:20:43 5 candid engagement by the Home Office in this Inquiry,
14:20:47 6 surely the time has now come for the Home Office and
14:20:49 7 other relevant departments of state to provide corporate
14:20:51 8 witness statements to this Inquiry? The group supports
14:20:53 9 and reiterates what has been said by Imran Khan KC in
14:20:57 10 the written opening statement submitted to the Inquiry,
14:21:00 11 namely that without clarity on the chain of
14:21:03 12 accountability, the Inquiry risks leaving unexamined the
14:21:06 13 systematic and institutional forces that enabled
14:21:10 14 unlawful SDS surveillance.

14:21:14 15 In Tranche 3, Phase 1, the Inquiry will hear oral
14:21:17 16 evidence from 26 witnesses. However, it will not hear
14:21:21 17 from HN 26, cover name "Christine Green", as she is
14:21:26 18 outside of the jurisdiction and has refused to give
14:21:29 19 evidence. The group presume that HN 26 is seeking to
14:21:32 20 avoid having to account in public for her egregious
14:21:36 21 conduct.

14:21:37 22 In this context, the group highlight the evidence
14:21:40 23 given by the non-state core participant "Ellie". She
14:21:44 24 was told by HN 16 Thomson that many undercover officers
14:21:48 25 were leaving the country until the Inquiry had blown

14:21:52 1 over.

14:21:53 2 The group are concerned that HN 81, "David Hagan",

14:21:57 3 is not attending the Tranche 3 hearings given the

14:22:01 4 central role he played in the events under scrutiny in

14:22:05 5 this tranche.

14:22:06 6 Sir, you heard from Mr Menon KC yesterday about the

14:22:10 7 criminal questions that HN 81 must answer in respect of

14:22:14 8 the reporting and targeting of Duwayne Brooks OBE. It

14:22:19 9 is also deeply unsatisfactory that HN 86 is now refusing

14:22:22 10 to give oral evidence. HN 86 was a former manager who

14:22:26 11 was alleged to have directed the targeting of justice

14:22:30 12 campaigns and who is the subject of serious allegations

14:22:33 13 of racism made by HN 43 Peter Francis. As you have

14:22:37 14 indicated, sir, HN 86 is a critical witness with

14:22:41 15 important evidence to give to the Inquiry to assist you

14:22:45 16 in making the findings that you need to make.

14:22:49 17 I will now make some observations on the legal and

14:22:52 18 regulatory regime and the evidence in Tranche 3. This

14:22:55 19 is set out in fuller detail in the group's written

14:22:59 20 opening.

14:23:00 21 In Tranche 3, significant changes were introduced to

14:23:02 22 the legal and regulatory regime governing the exercise

14:23:06 23 of state power, to ensure greater protection of

14:23:10 24 fundamental rights and due process. This included the

14:23:13 25 introduction of the Human Rights Act 1998, which came

14:23:16 1 into force in October 2000, and the Regulation of
14:23:19 2 Investigatory Powers Act 2000, RIPA, which came into
14:23:25 3 force in September 2000. Both these pieces of
14:23:28 4 legislation have direct relevance to the oversight and
14:23:31 5 scope of undercover policing. This was also the era
14:23:36 6 when the then MPS Commissioner Sir Paul Condon was
14:23:41 7 trumpeting his "crusade" against police corruption in
14:23:45 8 the MPS. In Tranche 3 there was also parliamentary
14:23:51 9 scrutiny of the woefully inadequate system for
14:23:54 10 investigating police complaints and ensuring police
14:23:57 11 accountability.

14:23:59 12 However, these changes to regulatory, legal and
14:24:04 13 operational oversight did nothing to curb the SDS.
14:24:07 14 Rather in Tranche 3 intrusion and abuses continued with
14:24:11 15 the SDS being allowed to remain a secretive unit, marred
14:24:17 16 by a culture of exceptionalism and impunity, a unit that
14:24:22 17 operated above the law. This included flagrantly
14:24:25 18 disregarding the requirements to be met under Regulation
14:24:27 19 of Investigatory Powers Act and the authorisation of
14:24:28 20 targeting which clearly breached articles 3, 8, 10 and
14:24:33 21 11 of the European Convention on Human Rights, as
14:24:37 22 incorporated into UK law by the Human Rights Act.

14:24:41 23 This is a theme which continues through the National
14:24:43 24 Public Order Intelligence Unit, NPOIU.

14:24:47 25 It is also significant that by Tranche 3 certain SDS

14:24:52 1 Tranche 2 undercover officers had received promotions
14:24:56 2 into managerial roles and higher office within the
14:24:59 3 Metropolitan Police Service. This no doubt facilitated
14:25:02 4 the continuation of abhorrent behaviour and tradecraft.
14:25:08 5 Those masterminded by some of the most notorious
14:25:12 6 undercover officers. Under the watch of these managers,
14:25:15 7 the SDS continued to engage in criminality and
14:25:19 8 misconduct, as well as misleading the police and the
14:25:21 9 courts. Institutional racism and misogyny also
14:25:26 10 continued, as did deceitful sexual and close personal
14:25:31 11 relationships.

14:25:32 12 The closure of the SDS began in October 2007 and
14:25:35 13 concluded in February 2008. This led to the preparation
14:25:38 14 of the SDS closing report in June 2009, authored by
14:25:44 15 Detective Sergeant HN 273. This report contains
14:25:47 16 a scathing review of the SDS, from the date of its
14:25:51 17 inception to its long overdue closure. The Inquiry is
14:25:55 18 bound to consider whether, following the closure
14:26:00 19 process, robust questions were asked about the ethics,
14:26:02 20 legality and morality of the SDS or whether practices
14:26:02 21 were simply covered up.

14:26:05 22 (Videolink interrupted)

14:26:13 23 THE CHAIR: I am afraid technology has intervened and cut
14:26:22 24 you off.

14:26:22 25 MS HEAVEN: I'm sorry?

14:26:22 1 THE CHAIR: I am afraid that for reasons I don't begin to
14:26:24 2 understand, you were cut off in mid-sentence.

14:26:28 3 MS HEAVEN: I will start again.

14:26:31 4 Can you hear me now?

14:26:32 5 THE CHAIR: Yes, I can.

14:26:33 6 MS HEAVEN: The Inquiry will know from the SDS closing
14:26:35 7 report that there probably were some attempts to cover
14:26:37 8 up SDS practices before the review took place, because
14:26:40 9 the closing report states:

14:26:41 10 "There is a possibility that an element of weeding
14:26:45 11 has been done, and that the papers left at Tintagel
14:26:48 12 House represent what was considered appropriate for
14:26:53 13 retention or independent review."

14:26:55 14 Conversely, the written record of SDS activity and
14:26:58 15 some of its consequences may have been completed in
14:27:00 16 a manner that left little trace of matters detrimental
14:27:05 17 to the squad.

14:27:06 18 The Inquiry will also need to consider the extent to
14:27:08 19 which certain SDS tradecraft was knowingly exported
14:27:12 20 around the country by National Public Order Intelligence
14:27:14 21 Unit undercover officers. As the Inquiry knows, the SDS
14:27:18 22 and National Public Order Intelligence Unit overlapped
14:27:21 23 for several years and National Public Order Intelligence
14:27:22 24 Unit tradecraft often mirrored that used by the MPS.
14:27:28 25 For example, EN 12 Mark Kennedy, used the cover job of

14:27:32 1 being a delivery driver, incorporated a traumatic back
14:27:36 2 story into his legend in order to exploit sympathy and
14:27:41 3 build trust amongst targets. He also deceived women
14:27:43 4 into sexual relationships (and cohabitation) by
14:27:45 5 mirroring their personal interests.

14:27:48 6 In Tranche 3, the Inquiry can see that the SDS
14:27:51 7 continued to develop new and abhorrent tradecraft. This
14:27:55 8 included, for example, customers from the wider Special
14:27:59 9 Branch meeting SDS operatives at SDS manager and cover
14:28:07 10 officer home addresses, undercover officers continued to
14:28:09 11 seek to gain an advantage in legal proceedings. They
14:28:12 12 also engaged in international travel, including for
14:28:15 13 purported intelligence gathering to add credibility to
14:28:19 14 cover and withdrawal strategies for team bonding
14:28:23 15 exercises.

14:28:24 16 There was also an expansion of the use of deceitful
14:28:27 17 sexual relationships, and you heard yesterday about
14:28:30 18 HN 15 Mark Jenner's long term cohabitation with "Alison"
14:28:35 19 at her home address, and the devastating effect of his
14:28:38 20 conduct. There was increasing usage of cover vehicles
14:28:42 21 to include minibuses, undercover officers joined trade
14:28:47 22 unions and whilst there was a cessation of the use of
14:28:50 23 deceased children's identities, there was the
14:28:53 24 unauthorised use of the identity of Kevin Crossland by
14:28:56 25 HN 16 James Thomson. SDS undercover officers even

14:29:01 1 enrolled in college.

14:29:03 2 Tranche 3 also sees the extensive use of code names

14:29:06 3 by undercover officers, perhaps suggesting the extent to

14:29:09 4 which they revelled in the secretive nature of their

14:29:14 5 work, whilst at the same time operating under

14:29:16 6 an exaggerated perception of risk.

14:29:18 7 A few examples include HN 104, Carlo Soracchi, who

14:29:23 8 was referred to as "Craggy Island"; HN 81, "David Hagan"

14:29:26 9 as "Windmill Tilter"; HN 5, John Dines, as "Hawke's

14:29:31 10 Bay"; HN 3 "John Bishop" as "Red Herring" and "Quill

14:29:35 11 Feather"; HN 14, Jim Boyling, as "Psycho Dream"; and

14:29:42 12 HN 15, Mark Jenner, as "Touchy Subject".

14:29:45 13 I am now going to turn to make some specification

14:29:48 14 comments about HN 16.

14:29:50 15 HN 16 James Thomson's activities provide for one of

14:29:53 16 the most egregious examples of an undercover officer

14:29:57 17 left to his own devices over many years, exploiting the

14:30:00 18 weak oversight systems of the SDS and Metropolitan

14:30:05 19 Police Special Branch. HN 16 Thomson was often referred

14:30:08 20 to at the time by his targets as "James Bond" or "Posh

14:30:13 21 Sab". He used his role as an undercover officer to

14:30:17 22 manufacture reasons to travel around the world on trips

14:30:20 23 authorised for intelligence gathering or operational

14:30:23 24 purposes, which produced little to nothing by way of

14:30:26 25 intelligence.

14:30:27 1 His deployment involved sexual relationships with at
14:30:32 2 least two deceived women and other examples of serious
14:30:35 3 misconduct including criminality, for which he was not
14:30:39 4 formally disciplined or prosecuted. Rather, he was
14:30:43 5 protected by senior officers within Special Branch.

14:30:46 6 Even after these issues emerged, HN 16 Thomson went
14:30:50 7 on to enjoy a career elsewhere within the Special
14:30:53 8 Branch, later apparently holding a teaching position at
14:30:56 9 Brunel University and taking on his current role, which
14:30:59 10 he has opaquely referred to as "security manager for
14:31:04 11 Middle East and North Africa".

14:31:06 12 HN 16 Thomson lacks credibility and has a proven
14:31:10 13 record of lying to this Inquiry. During the Inquiry's
14:31:13 14 anonymity process, HN 16 Thomson was specifically asked
14:31:17 15 about whether he had any relationships with four
14:31:21 16 females, "Sara", "Ellie", "Wendy" and "Lucy". In his
14:31:24 17 response he denied inappropriate relationships with all
14:31:27 18 four women, knowing that his denial would be submitted
14:31:30 19 to the Inquiry for the purposes of a closed hearing to
14:31:34 20 consider his application for anonymity.

14:31:38 21 HN 16 Thomson only provided the Inquiry with
14:31:42 22 an updated "corrected" statement months later, in which
14:31:46 23 he accepted that he had in fact had relationships with
14:31:49 24 three of the women about whom he had been asked to
14:31:53 25 comment, that is "Sara", "Ellie" and "Lucy". However,

14:31:56 1 he only did this after having misled the Inquiry and
14:32:00 2 only when it became apparent that this lie would not
14:32:05 3 stand up to scrutiny.

14:32:06 4 HN 16 Thomson's own description is that in lying he
14:32:11 5 "fell back" on his "instinct", something which the
14:32:13 6 Inquiry must be alive to when assessing his credibility.

14:32:19 7 This conduct by HN 16 Thomson follows a long and
14:32:22 8 well-established pattern of deception by him during his
14:32:25 9 deployment, including lying to his managers, making
14:32:29 10 dishonest expenses claims, travelling abroad in his
14:32:32 11 cover identity on trips which were not authorised and
14:32:36 12 removing pages from his passports to avoid SDS
14:32:39 13 management becoming aware of his activities.

14:32:42 14 HN 16 Thomson used the name of the deceased child
14:32:46 15 Kevin Crossland as a second false identity and without
14:32:49 16 authorisation. Even registering this name on the
14:32:53 17 electoral register, forging a false signature to apply
14:32:59 18 for a driving licence and attempting to obtain banking
14:33:03 19 facilities. The Inquiry must therefore be alert to
14:33:06 20 HN 16 Thomson's propensity to lie and should not be led
14:33:12 21 astray by his ability to appear "articulate and
14:33:14 22 rational", as he was described at the time by Chief
14:33:18 23 Superintendent HN 146, Colin Black.

14:33:20 24 HN 16 Thomson's own manager, Detective Chief
14:33:23 25 Inspector HN 36, Mike Dell, identified that he has "an

14:33:28 1 inclination to admit only that with which he is
14:33:32 2 confronted".

14:33:34 3 Tranche 3, Phase 1, contains clear examples of
14:33:38 4 deployments that were unlawful, lacked contemporary
14:33:44 5 justification and should never have been authorised. In
14:33:46 6 the SDS closing report Detective Sergeant HN 273
14:33:50 7 described a review of the annual authorisations for all
14:33:54 8 SDS officers deployed in 1999 as "rubber stamping".

14:33:59 9 HN 16 Thomson was deployed between January 1997 and
14:34:03 10 April 2002, a period of five years and four months in
14:34:07 11 total. An analysis of the output of HN 16 Thomson's
14:34:12 12 deployment shows that it remained obviously
14:34:14 13 unjustifiable for an inexcusable length of time. This
14:34:20 14 was due to the lack of scrutiny by management.

14:34:25 15 However in 2002, Detective Inspector HN 36,
14:34:27 16 Mike Dell concluded that in respect of the latter
14:34:30 17 two years of HN 16 Thomson's deployment his operation
14:34:35 18 had been "a sham, founded on the false assumption that
14:34:38 19 he had placed himself at the centre of a group of the
14:34:41 20 most extreme animal rights activists and characterised
14:34:45 21 by routinely dishonest and substantial expenses claim to
14:34:50 22 support a lifestyle entirely divorced from the
14:34:54 23 intelligence requirements made of him².

14:34:56 24 There can be no possible basis for Commander HN 85,
14:34:59 25 Roger Pearce to have authorised and re-authorised HN 16

14:35:04 1 Thomson's deployment for the purposes of preventing
14:35:07 2 disorder and crime by anarchists and animal rights
14:35:12 3 activists. HN 16 Thomson's deployment highlights that
14:35:16 4 the formalities brought in by the SDS following the
14:35:20 5 coming into force of the Human Rights Act were no more
14:35:22 6 than paper exercises that did not lead to any adequate
14:35:25 7 or meaningful review of the legal and regulatory
14:35:28 8 justification for uncover deployments.

14:35:30 9 This is most readily demonstrated by the fact that
14:35:33 10 the grounds for deployment for HN 16 Thomson and HN 60
14:35:39 11 "Dave Evans" were identically worded.

14:35:43 12 The non-state core participant "Wendy", having
14:35:45 13 reviewed HN 16 Thomson's reporting, expresses her view
14:35:51 14 as follows:

14:35:52 15 "I feel utterly disgusted that our money as
14:35:57 16 taxpayers was used for what comes across to me from the
14:36:00 17 tone of the disclosure as a boys' club, to report on who
14:36:03 18 was sleeping with whom and for making jokes about
14:36:06 19 people's relationships. I think it shows that there is
14:36:10 20 a systemic problem within the MPS, that this kind of
14:36:12 21 travesty of justice was allowed to continue for decades
14:36:16 22 and continued to be funded and lauded as an example of
14:36:21 23 effective undercover work. It was effectively arrogant
14:36:25 24 spoilt little boys playing James Bond."

14:36:28 25 The fact that SDS targeting was clearly devoid of

14:36:31 1 a genuine basis for authorisation was not exclusively
14:36:35 2 down to inadequate and weak management. HN 81
14:36:39 3 "David Hagan" reported extensively on justice campaigns.
14:36:43 4 He told Operation Herne that he discussed all elements
14:36:47 5 of his deployment with his handlers and was given
14:36:50 6 direction on where to focus. This undermines any
14:36:54 7 suggestion that such reporting was merely collateral
14:36:59 8 intrusion.

14:37:00 9 Detective Inspector HN 72 stated to Operation Herne
14:37:04 10 that discussion around that tasking would have been done
14:37:07 11 separately to normal SDS meetings and was protected by
14:37:10 12 "Chinese walls".

14:37:13 13 The Inquiry must consider whether the secrecy of
14:37:16 14 around targeting deployments arose from managerial
14:37:21 15 knowledge that what was being asked of undercover
14:37:23 16 officers was not lawful and did not comply with
14:37:26 17 Regulation of Investigatory Powers Act or the Human
14:37:27 18 Rights Act.

14:37:29 19 Operation Lime was a significant covert operation
14:37:33 20 instigated by HN 16 Thomson in respect of an alleged
14:37:37 21 attempt by activists to procure a firearm and explosive
14:37:43 22 powder from an individual in France. The operation was
14:37:46 23 allowed to go ahead, with HN 16 Thomson making multiple
14:37:50 24 trips to France for various purposes. However,
14:37:52 25 contemporaneous documents show managers had concerns

14:37:57 1 both during and after the operation that HN 16 Thomson
14:38:00 2 had fabricated the grounds for the operation to prevent
14:38:04 3 and delay his withdrawal from the field.

14:38:08 4 Operation Lime is a damning example of how easy it
14:38:11 5 was for the SDS to carry out operations without lawful
14:38:17 6 justification and at the whim of an undercover officer
14:38:20 7 seeking to protect his position at all costs. The fact
14:38:23 8 that such an operation was authorised demonstrates the
14:38:27 9 unsuitability of the formal authorisation process in the
14:38:33 10 SDS and the extent to which senior managers failed to
14:38:35 11 assess the veracity of the information being provided to
14:38:38 12 them.

14:38:38 13 Whilst I have highlighted HN 16 Thomson as a key
14:38:42 14 example of an undercover officer who was unlawfully
14:38:45 15 deployed, he is not the only example. The involvement
14:38:48 16 of HN 26 "Christine" --

14:39:02 17 THE CHAIR: Again, I am afraid you have been cut off
14:39:04 18 mid-sentence, for reasons I don't begin to understand.

14:39:48 19 (2.39 pm)

14:39:55 20 (Short pause for technical difficulties)

14:47:06 21 (2.47 pm)

14:47:08 22 THE CHAIR: Good afternoon, again.

14:47:09 23 I understand the Internet in the court building from
14:47:13 24 which you are speaking went down.

14:47:15 25 As it has now again done.

14:47:20 1 MS HEAVEN: I am sorry about that. I will carry on where

14:47:21 2 I understand I left off.

14:47:23 3 THE CHAIR: You left off just beginning HN 26.

14:47:28 4 MS HEAVEN: Thank you very much.

14:47:29 5 The involvement of HN 26, "Christine Green" in an

14:47:32 6 operation releasing 6,000 mink from Crow Hill Farm in

14:47:36 7 Ringwood, Hampshire was clearly unlawful.

14:47:39 8 This was an incident which -- when revealed to the

14:47:39 9 media -- led to a statement from the then Assistant

14:47:43 10 Commissioner Helen Ball accepting that "the decision

14:47:46 11 making surrounding this incident would simply not happen

14:47:53 12 in today's Metropolitan Police Service."

14:47:56 13 On Monday the MPS accepted that this was

14:47:58 14 an egregious example of HN 26 participating in crime,

14:48:02 15 demonstrating a complete failure to seek proper

14:48:08 16 authorisation or to properly plan and manage HN 26,

14:48:10 17 including a serious misjudgement not to inform Hampshire

14:48:16 18 Constabulary.

14:48:18 19 I now turn to reporting on political and social

14:48:22 20 justice campaigns, family justice campaigns, community

14:48:25 21 organisations and group campaigning for police

14:48:27 22 accountability.

14:48:28 23 The group endorses the powerful opening statement

14:48:31 24 made on behalf of Category G and J core participants and

14:48:35 25 all those other non-police state core participants

14:48:38 1 impacted by this unlawful and discriminatory targeting.

14:48:41 2 By Tranche 3 the direct targeting and reporting on

14:48:44 3 justice campaigns was such an accepted practice within

14:48:46 4 the SDS and wider MPS that it was specifically

14:48:51 5 highlighted in the 1995 to 1996 SDS annual report. This

14:48:57 6 annual report stated that involvement in the

14:49:00 7 Brian Douglas Campaign "at an organisational level"

14:49:05 8 inevitably produces high-grade intelligence of the aims

14:49:08 9 and tactics of generally volatile and outraged groups.

14:49:14 10 The 1994 to 1995 annual report openly noted

14:49:19 11 "anti-police and anti-Criminal Justice Act campaigns"

14:49:23 12 were key aspects of HN 15 Mark Jenner's first-year

14:49:29 13 targeting strategy. The Inquiry needs to identify the

14:49:34 14 distribution list for these annual reports, with

14:49:34 15 assistance from the MPS. HN 73 was a Special Branch

14:49:40 16 officer who liaised with the SDS in Tranche 3. He told

14:49:46 17 Operation Herne that upon his return to C Squad in 1995

14:49:50 18 one of his "main tasks at that time was reporting on

14:49:50 19 death in custody campaigns".

14:49:57 20 In light of the admissions made by the MPS, in

14:50:01 21 Tranche 3 --

14:50:02 22 THE CHAIR: Forgive me for interrupting you, but I am afraid

14:50:04 23 you are being intermittently cut off now and I didn't

14:50:07 24 catch the last two sentences.

14:50:09 25 I can hear you now, yes, but I am afraid something

14:50:12 1 is going wrong with the Internet. You have been cut off
14:50:16 2 again.
14:50:18 3 MS HEAVEN: The Inquiry should treat with great scepticism
14:50:21 4 ...
14:50:21 5 Am I still here, sir?
14:50:23 6 THE CHAIR: You are still there.
14:50:24 7 You come and go intermittently, I have not the
14:50:28 8 faintest idea why. These contraptions are made to
14:50:33 9 baffle us.
14:50:35 10 MS HEAVEN: I will keep going until you indicate otherwise.
14:50:39 11 In light of the admissions made by the MPS the
14:50:41 12 Inquiry should treat with great scepticism any attempts
14:50:46 13 by undercover officers and their managers to justify SDS
14:50:50 14 infiltration into and reporting on justice campaigns and
14:50:53 15 community groups. Similarly, the Inquiry should not
14:50:55 16 accept that HN 15 Mark Jenner's reporting on
14:50:59 17 community-based groups was for public order reasons.
14:51:02 18 HN 15 Jenner's entire deployment was curated from
14:51:06 19 the start to allow him to specifically place himself as
14:51:10 20 an anti-establishment figure, to immerse himself in
14:51:13 21 "community activism". HN 15 Jenner now attempts in his
14:51:19 22 witness statement to distance himself from the
14:51:22 23 description of his deployment in the 1995/1996 SDS
14:51:26 24 annual report as allowing him "unique access to a range
14:51:31 25 of anti-police campaigns".

14:51:33 1 This lacks credibility. The description of Jenner's
14:51:37 2 deployment was not inaccurate phrasing from management,
14:51:41 3 but rather a clear signal that such campaigns were
14:51:44 4 specifically being targeted.

14:51:46 5 I will now make some comments on the existential
14:51:51 6 threats to the SDS and this is set out in much more
14:51:53 7 detail in our written opening statement.

14:51:55 8 The prevalence of unlawful SDS deployments and
14:51:58 9 operations occurred in a context of a unit desperately
14:52:03 10 concerned about its own survival. In the 1990s the
14:52:07 11 notable reduction of Security Service interest in SDS
14:52:10 12 reporting of subversion was compounded by a decrease in
14:52:14 13 public order issues within the Metropolitan Police
14:52:19 14 district. This meant that the SDS was forced to justify
14:52:22 15 its relevance. As a result, the unit pushed itself
14:52:26 16 further into political policing and allowed its focus
14:52:29 17 and objectives to be dictated by its customers.
14:52:32 18 Structural developments within the MPS also led to
14:52:36 19 competition between the SDS and other policing units.

14:52:40 20 By 1997 SDS management could clearly not justify
14:52:45 21 deployments into the so-called hard left, calling it
14:52:48 22 "an uncomfortable position" of having to "wait and see
14:52:52 23 what happens before a long-term strategy can be mapped
14:52:55 24 out".

14:52:57 25 In the 1995 to 1996 SDS annual report, SDS

14:53:02 1 management boasted about the unit's success "in bringing
14:53:07 2 offenders to arrest and conviction". But stated that
14:53:11 3 this "requires prudent management if SDS are to avoid
14:53:17 4 appearing at court". This same SDS annual report
14:53:20 5 referred to the development of that strategy as being
14:53:25 6 essential. The Inquiry must investigate what this
14:53:27 7 strategy entailed.

14:53:29 8 (Videolink interruption)

14:53:36 9 THE CHAIR: I am afraid you have been cut off again.

14:54:04 10 (2.55 pm)

14:54:11 11 (A short break due to technical difficulties).

14:59:59 12 (3.00 pm)

15:00:06 13 MS DAGOSTINO: I apologise for Ms Heaven, whose link has cut
15:00:09 14 out in court.

15:00:16 15 THE CHAIR: Yes, thank you for stepping in.

15:00:21 16 Opening statement by MS DAGOSTINO

15:00:24 17 MS DAGOSTINO: The Inquiry must investigate what this
15:00:26 18 strategy entailed and how the SDS sought to avoid the
15:00:30 19 state's disclosure obligations. The changing political
15:00:33 20 and intelligence landscape also appears to have also led
15:00:36 21 to an eagerness within the SDS to promote its
15:00:41 22 intelligence and to focus on customer requirements.

15:00:43 23 This customisation appeared in individual undercover
15:00:48 24 officer annual performance reviews. This included
15:00:54 25 positive comments about "David Hagan's" interpretation

15:00:57 1 of intelligence benefiting "a wide circle of customers"
15:01:01 2 and C Squad personnel, "who ensure its marketability to
15:01:05 3 a much wider audience".

15:01:10 4 The Inquiry must obtain concrete answers as to who
15:01:13 5 formed part of this wider circle of answers,
15:01:16 6 particularly in respect of HN 81 "Hagan's" reporting on
15:01:20 7 family justice and police accountability campaigns.

15:01:23 8 The SDS closing report commented that there was
15:01:25 9 "little evidence of regular or systematic internal or
15:01:32 10 external independent third party review of the SDS
15:01:34 11 operation". Whether or not there was intrusive
15:01:37 12 supervision, appropriate management or effective
15:01:41 13 leadership. However, deficits were clearly by design,
15:01:45 14 as the SDS sought to insulate itself from external
15:01:48 15 review. The monitoring of expenditure would have been
15:01:52 16 a key mechanism for SDS MPS officers to supervise the
15:01:58 17 general activities of the SDS. However, in Tranche 3
15:02:02 18 meaningful oversight into expenditure was obstructed by
15:02:06 19 the fact that the SDS budget breakdown became less
15:02:12 20 transparent in the 1996 to 1997 SDS annual report.

15:02:16 21 Few questions were asked by senior MPS officers
15:02:20 22 about undercover officer expenses, overtime and other
15:02:23 23 perks. Despite an inescapable overall picture of SDS
15:02:28 24 extravagance and opulence.

15:02:32 25 Whilst the 1996/1997 SDS annual report made broad

15:02:38 1 assurances of more effective use of resources, Tranche 3
15:02:41 2 saw a number of social and international trips taken by
15:02:44 3 the SDS. This included two trips to Amsterdam and
15:02:49 4 a team bonding trip to Las Vegas. The SDS also held
15:02:54 5 Christmas parties at hotels outside of London,
15:02:58 6 a paintball excursion in Birmingham and day trips to
15:03:04 7 Hastings and the Cotswolds. Undercover officers also
15:03:07 8 used their SDS vehicles not only for transporting
15:03:09 9 activists but for recreational trips. This was because
15:03:12 10 there was no adequate basis to oversee extensive expense
15:03:17 11 claims. Overtime continued to be a significant expense
15:03:19 12 as part of the SDS in T3. Detective Inspector
15:03:21 13 Bob Lambert and Detective Chief Inspector
15:03:23 14 Keith Edmondson sought to protect Peter Francis from
15:03:28 15 being unnecessarily burdened by various permutations of
15:03:31 16 an administrative nature when making overtime claims.
15:03:37 17 HN 16 James Thomson's evidence is that overtime was
15:03:40 18 paid on the basis of an entitlement to a capped amount,
15:03:44 19 so it was irrelevant therefore what you were actually
15:03:47 20 doing at the time. He accepts that some of this time he
15:03:49 21 was with "Sara" and "Ellie" in an intimate setting,
15:03:53 22 which may technically have been the subject of
15:03:57 23 an overtime payment.
15:03:58 24 It therefore comes as no surprise that in 2007,
15:04:01 25 around the time in which decisions were being taken to

15:04:03 1 close the SDS, the unit was also subject to review by
15:04:07 2 the Covert Finance Unit. This review highlighted 23
15:04:12 3 areas of concern regarding the SDS's financial affairs
15:04:16 4 and noted that the SDS had a cash deficit in excess of
15:04:19 5 excess £9,000.

15:04:21 6 In 1993 Sir Brian Hayes visited the SDS when he was
15:04:27 7 at Her Majesty's Inspectorate of Constabulary. However,
15:04:28 8 this was not part of a formal inspection of the SDS for
15:04:33 9 the Metropolitan Police Special Branch, but rather
15:04:36 10 following a request from his personal friend, the then
15:04:38 11 Commissioner Peter Imbert, to visit the SDS as
15:04:39 12 a morale-boosting exercise for undercover officers.

15:04:43 13 This lasted a couple of hours and Sir Brian states
15:04:46 14 that when he conveyed his positive impression of the
15:04:49 15 unit to Commissioner Imbert this was yet another missed
15:04:54 16 opportunity to properly investigate the SDS. The fact
15:04:56 17 that this visit was effectively to congratulate the
15:05:00 18 troops did not prevent the SDS management from using
15:05:02 19 this as a capital in their 1993 and 1994 annual report.

15:05:07 20 On 8 January 1999, Superintendent Finnimore visited
15:05:12 21 the SDS as part of a Her Majesty's Inspectorate of
15:05:14 22 Constabulary inspection to assess the efficiency and
15:05:19 23 effectiveness of the unit. Superintendent Finnimore
15:05:21 24 requested to meet field officers and met with HN 26
15:05:27 25 "Christine Green", HN 81 "David Hagan" and a closed

15:05:30 1 undercover officer, each of whom were selected for this
15:05:33 2 task by SDS management.

15:05:35 3 He also met Detective Chief Inspector HN 58,
15:05:39 4 Detective Inspector HN 53 and Detective Sergeant HN 52
15:05:43 5 Bernie Greaney. Detective Chief Inspector HN 58 briefed
15:05:47 6 Superintendent Finnimore on the structure and processes
15:05:50 7 of the SDS and concluded that Superintendent Finnimore
15:05:54 8 seemed satisfied, indicating that the SDS had good
15:05:58 9 procedures and processes in force. However, the group
15:06:01 10 questioned the robustness of this conclusion given that
15:06:04 11 the chosen undercover officers were explicitly told to
15:06:07 12 refrain from going into too much detail about their
15:06:11 13 operations.

15:06:12 14 An internal SDS note providing directions to the
15:06:14 15 undercover officers in advance of this visit records as
15:06:19 16 follows:

15:06:20 17 "Each should be clear about their objectives, how
15:06:22 18 their intelligence is likely to be used and the codes of
15:06:25 19 practice."

15:06:26 20 This clearly reveals the attitude of management that
15:06:29 21 codes of practice were part of an armoury to be deployed
15:06:32 22 as part of any review of the SDS, but the undercover
15:06:35 23 officers were not expected to have been already familiar
15:06:38 24 with them in their day-to-day deployments. The group
15:06:44 25 also query whether the 1998 SDS code of practice, dated

15:06:49 1 October 1998, was in fact produced in response to this
15:06:54 2 announced inspection.

15:06:56 3 In the latter part of Tranche 3, there are
15:06:59 4 indications that it was becoming increasingly difficult
15:07:01 5 for the Metropolitan Police Special Branch to ignore
15:07:05 6 deficiencies of the SDS. The SDS was subject to reports
15:07:08 7 from a body referred to as an internal audit, however
15:07:12 8 these visits took place infrequently, once in 1997 and
15:07:16 9 once again 2003 and 2004.

15:07:20 10 The 2003 and 2004 audit concluded that controls
15:07:23 11 which had been introduced in 1997 were either not
15:07:28 12 operating efficiently or are no longer in place. It may
15:07:31 13 be for this reason that in 2004 Detective Chief
15:07:34 14 Inspector Richard Walton was tasked to conduct a review
15:07:39 15 of the SDS. It is not yet clear why it was thought
15:07:42 16 appropriate that Detective Chief Inspector Walton
15:07:44 17 conduct the review, given his involvement six years
15:07:47 18 earlier in obtaining SDS intelligence on matters
15:07:51 19 surrounding the Macpherson Inquiry and the
15:07:53 20 Stephen Lawrence family campaign. Detective Chief
15:07:55 21 Inspector Walton's report recommended reform in certain
15:07:58 22 areas but otherwise found the unit to be "professionally
15:08:01 23 run and well managed".

15:08:04 24 Despite these positive conclusions it appears that
15:08:06 25 the senior Metropolitan Police Special Branch management

15:08:09 1 was not convinced, as they commissioned a further report
15:08:14 2 almost immediately. This was completed just two months
15:08:17 3 later by Detective Sergeant Crane, formerly of the
15:08:20 4 Directorate of Professional Standards.

15:08:22 5 The review included 22 recommendations for reform.
15:08:25 6 The SDS responded in the usual way, demonstrating sheer
15:08:28 7 arrogance borne out of an enduring culture of
15:08:32 8 exceptionalism. As described in the 2008 SDS closing
15:08:35 9 report, the SDS responded to the report with a detailed
15:08:39 10 rebuttal, although both subjective and selective, of
15:08:42 11 most of the points and recommendations made. They
15:08:45 12 maligned the manner in which the research had been
15:08:47 13 conducted, describing the work as "shoddy" and
15:08:50 14 "thoroughly dishonest".

15:08:52 15 Senior Metropolitan Police Special Branch management
15:08:54 16 supported most of the recommendations from the review.
15:08:57 17 Recommendations included that the code of conduct for
15:09:00 18 undercover Special Branch officers should be undated to
15:09:04 19 reflect Regulation of Investigatory Powers Act and to
15:09:05 20 include relevant section of the nationally accepted
15:09:09 21 instructions to evidential undercover officers.

15:09:13 22 This suggests that at this time the Metropolitan
15:09:15 23 Police Special Branch acknowledged and accepted that the
15:09:18 24 SDS was profoundly out of step with legislative and
15:09:21 25 regulatory requirements at the time. It is

15:09:23 1 inconceivable that the outcome of this review should not
15:09:25 2 have been known about by the Commissioner of the day.

15:09:28 3 Inadequate managerial control. Sir, management of
15:09:35 4 the SDS operated in a purely reactive manner, responding
15:09:40 5 to the eruption of various scandals rather than
15:09:44 6 implementing any proactive attempts to ensure compliant
15:09:48 7 well-managed deployments. In the wake of the Scutt
15:09:51 8 affair and the viability report prepared in respect of
15:09:56 9 the SDS, Commander HN 143 Ben Gunn commented that it
15:09:57 10 would be desirable to tighten what was described as the
15:10:01 11 long reins of supervision allowed to daily field
15:10:05 12 officers. Commander HN 143 Gunn has accepted in his
15:10:09 13 witness statement to the Inquiry that for some reason
15:10:11 14 the envisaged degree of contact was not introduced or
15:10:14 15 not maintained.

15:10:15 16 It would not be credible for SDS managers to suggest
15:10:19 17 in this Inquiry that they were not aware of the
15:10:22 18 abhorrent tradecraft in Tranche 3. There is no clearer
15:10:27 19 example of comprehensive managerial knowledge than the
15:10:31 20 titles of the scenario questions prepared for SDS
15:10:34 21 undercover officer candidates during their recruitment
15:10:37 22 process. These scenarios were entitled "fund-raising,
15:10:42 23 a spy in our midst, racial violence, sex, drugs and rock
15:10:48 24 & roll, weary wedding, spending plans, arrest, evidence
15:10:52 25 gathering, the embassy plot, racial issues, egg head v

15:10:55 1 bone head, shopping nightmare and 'to split or not to
 15:10:58 2 split'".

15:10:58 3 This clearly shows the extent to which the abhorrent
 15:11:03 4 SDS tradecraft was encouraged by managers, including
 15:11:07 5 Detective Inspector Bob Lambert, a manager who as
 15:11:09 6 a undercover officer committed a litany of misdeeds and
 15:11:12 7 abuses, as investigated and exposed by this Inquiry
 15:11:16 8 during Tranche 2.

15:11:18 9 According to Peter Francis, the unethical manner in
 15:11:22 10 which the unit was run was integral to its survival. He
 15:11:26 11 tells the Inquiry:

15:11:27 12 "I do not think the SDS could have run if ethical
 15:11:31 13 considerations had come into it. It would have been
 15:11:34 14 closed down."

15:11:35 15 Instead of reckoning with its inability to function
 15:11:38 16 within necessary legal frameworks, the SDS clearly saw
 15:11:42 17 itself as a special worthy of praise. Effective SDS
 15:11:47 18 management was also undermined by undercover officer
 15:11:50 19 cliques. Detective Sergeant HN 52 Bernie Greaney was
 15:11:55 20 James Thomson's handler and oversaw potential criminal
 15:11:58 21 offences by that undercover officer. He told
 15:12:01 22 Operation Herne that he had not been a field officer
 15:12:04 23 himself and as such had to accept that field officers'
 15:12:07 24 had their own cliques and invariably the first port of
 15:12:11 25 call for them would be their colleagues or

15:12:13 1 predecessors/mentors who had been in the field, "They
15:12:17 2 were a inner circle you were never part of".

15:12:20 3 HN 43 Peter Francis claims that Detective Inspector
15:12:22 4 HN 67 was not regarded with esteem by undercover
15:12:27 5 officers because he was considered by them to be
15:12:29 6 a shadow paddler. This apparently impacted how
15:12:35 7 undercover officers would behave, as they did not tend
15:12:37 8 to go to Detective Inspector HN 67 about operational
15:12:41 9 matters. HN 43 Francis also claims that Detective
15:12:44 10 Inspector Bob Lambert, who replaced Detective Inspector
15:12:45 11 HN 67 was the highest regarded SDS officer manager who
15:12:50 12 even served in the SDS, celebrated as a very deep
15:12:54 13 swimmer and the officer who had been responsible for the
15:12:56 14 convictions of two people for arson at Debenhams.

15:13:00 15 Despite being the detective inspector under
15:13:04 16 Detective Chief Inspector Keith Edmondson, Detective
15:13:07 17 Inspector Lambert was referred to as the linchpin of the
15:13:10 18 SDS. He appears to have been the true power behind the
15:13:13 19 SDS managerial throne.

15:13:15 20 HN 43 Peter Francis claims that due to Detective
15:13:18 21 Chief Inspector Edmondson not having completed his time
15:13:21 22 in the back office and ultimately never having been
15:13:24 23 deployed as an SDS field officer he was viewed by SDS
15:13:31 24 undercover officers as a failed back office boy who had
15:13:33 25 been put in charge.

15:13:35 1 It is therefore unsurprising that the evidence
15:13:35 2 reveals a degree of insubordination from undercover
15:13:37 3 officers, who probably felt a sense of superiority over
15:13:41 4 their handlers or managers. It must not be forgotten
15:13:44 5 that overtime payments meant that undercover officers
15:13:47 6 were earning in the same region as an officer in the
15:13:51 7 rank of superintendent.

15:13:52 8 The group's written statement deals with the
15:13:53 9 evidence which shows the Metropolitan Police Special
15:13:55 10 Branch was completely unwilling or incapable of
15:13:59 11 implementing proper disciplinary procedures for
15:14:02 12 undercover officers. Even in cases where there was
15:14:04 13 potential criminality. In the case of HN 16 Thomson,
15:14:08 14 informal discipline was preferred notwithstanding the
15:14:12 15 risks of this approach, which Detective Chief Inspector
15:14:14 16 Mike Dell identified as "neglect of duty, impropriety,
15:14:21 17 lack of supervision, failure to comply with Regulation
15:14:23 18 of Investigatory Powers Act, prejudice to morale,
15:14:26 19 vulnerability to the embarrassment of the MPS".

15:14:30 20 The ends do not justify the means.

15:14:32 21 The SDS closing report sets out what should have
15:14:35 22 been a fundamental principle at the heart of the unit.
15:14:38 23 We, as a police service, are accountable to those we
15:14:43 24 serve and must act within the law to achieve our goals.
15:14:46 25 Whether or not the legislation and constraints placed

15:14:49 1 upon us make it operationally more difficult to reach
15:14:52 2 our desired outcome, in short, the ends do not always
15:14:56 3 justify the means. And it is rarely, if ever, at
15:15:01 4 whatever cost.

15:15:02 5 This amounts to a contemporaneous admission by the
15:15:06 6 MPS that the means employed by the SDS did not justify
15:15:09 7 the ends. The SDS closing report criticised
15:15:14 8 inappropriate reporting on a justice campaign and
15:15:17 9 identified political policing through the evidence of
15:15:20 10 reporting on individuals who appear to hold little more
15:15:23 11 than political views.

15:15:24 12 The Inquiry should robustly reject Detective
15:15:27 13 Inspector Lambert's comments to Operation Herne that the
15:15:31 14 SDS was not that bad or a legitimate operation and
15:15:36 15 "still does stand up as being a unit that did good
15:15:40 16 work".

15:15:41 17 The closure of the SDS also led to the
15:15:43 18 identification of:

15:15:43 19 "... very serious and deep-seated operational
15:15:47 20 shortcomings that were not in line with national
15:15:50 21 standards which had developed over the years for the
15:15:53 22 conduct of undercover deployments."

15:15:55 23 However, the closure of the SDS did not remedy the
15:15:59 24 inherent issues with intelligence-only undercover
15:16:03 25 operations. This style of reporting continued within

15:16:05 1 the National Public Order Intelligence Unit, which will
15:16:08 2 be the subject of further exploration in Tranche 4.

15:16:12 3 SDS culture. It appears that all SDS management
15:16:16 4 roles were held by white men. SDS reporting signed off
15:16:20 5 by managers used racist, misogynistic and outdated
15:16:26 6 language well into the mid-1990s. HN 16 James Thomson
15:16:31 7 acknowledges that there probably was a general approach
15:16:34 8 then which would be considered to be sexism now. The
15:16:37 9 Inquiry will no doubt scrutinise a number of the
15:16:40 10 assertions made by HN 43 Peter Francis, suggesting that
15:16:43 11 there was a culture within the SDS of racism and
15:16:48 12 misogyny, including the activities of undercover
15:16:52 13 officers and managers during SDS trips to Amsterdam.
15:16:55 14 A toxic and misogynistic culture within the SDS and the
15:17:01 15 wider MPS also explains the continued tradecraft in T3,
15:17:08 16 P1 of targeting and interfering with vulnerable
15:17:08 17 individuals without regard to their well-being.

15:17:11 18 HN 16 James Thomson spying on "Wendy", when she was
15:17:15 19 a minor and when she was extremely vulnerable, including
15:17:21 20 at a time when her mental health was very poor during
15:17:24 21 the terminal illness of her mother.

15:17:26 22 Undercover officers in Tranche 3, Phase 1 continue
15:17:29 23 to chose cover identities younger than their real ages,
15:17:33 24 even after the practice of using deceased children's
15:17:37 25 identities was said to have been discontinued and

15:17:40 1 undercover officers were utilising entirely fictional
15:17:43 2 personas. Undercover officers also continued to deploy
15:17:46 3 emotionally manipulative withdrawal strategies.

15:17:50 4 The next short section, sir, is on undercover
15:17:52 5 officers' criminality and acting as agent provocateur.

15:17:55 6 There is evidence to suggest that the SDS or
15:17:59 7 Metropolitan Police Special Branch formally sanctioned
15:18:03 8 the practice of acting as an agent provocateur. In
15:18:05 9 a witness statement to Operation Herne, Chief
15:18:07 10 Superintendent Ray Parker referred to the existence of
15:18:11 11 a document dated 1991, which he says left the impression
15:18:14 12 of being the rules of engagement for an agent
15:18:17 13 provocateur. He commented that he felt quite amazed
15:18:21 14 that it was allegedly part of a Special Branch document.
15:18:25 15 It is concerning that the Inquiry and the MPS have been
15:18:30 16 unable to recover this important document. The Inquiry
15:18:34 17 is asked to investigate the conditions under which this
15:18:37 18 document appears to have disappeared.

15:18:38 19 The SDS closing report highlighted concerns about
15:18:43 20 SDS undercover officers joining criminal conspiracies
15:18:46 21 and acting as agent provocateur, having reviewed the
15:18:51 22 documents available in 2009. This report commented on
15:18:54 23 evidence of occasions where undercover officers were
15:18:59 24 more than merely joining that conspiracy that was
15:19:01 25 already laid out or were present when such action was

15:19:04 1 initiated and may have facilitated it.

15:19:07 2 The SDS closing report went on to criticise a lack

15:19:10 3 of appropriate managerial response.

15:19:14 4 By 1995, possible criminality was so ingrained and

15:19:18 5 expected within the SDS that it featured within

15:19:21 6 recruitment interviews.

15:19:24 7 HN 81 "David Hagan" was asked about a hypothetical

15:19:28 8 scenario regarding a deployment into an extreme

15:19:30 9 right-wing group, where the members are racially abusing

15:19:34 10 an interracial couple and making sexualised comments to

15:19:37 11 the woman. It is perhaps telling that HN 81 "Hagan"

15:19:41 12 answered that he would join in with the abuse to

15:19:44 13 maintain cover. It is even more telling that HN 81

15:19:48 14 "Hagan" was recruited after answering that he would

15:19:51 15 commit a crime in this scenario and specifically one

15:19:54 16 which involved both racist and sexist elements.

15:19:59 17 This clearly demonstrates the extent to which

15:20:02 18 criminality, racism and sexism was embedded in the SDS

15:20:06 19 in 1995.

15:20:10 20 Legal professional privilege and reporting on

15:20:13 21 lawyers. The group have highlighted in previous opening

15:20:18 22 statements the shocking tradecraft of reporting on

15:20:21 23 criminal and civil proceedings when reporting on those

15:20:25 24 connected to justice campaigns. HN 81 "Hagan" reported

15:20:29 25 what he claimed to be the advice of Duwayne Brooks's

15:20:32 1 lawyers in respect of his civil claim against the MPS.

15:20:36 2 HN 81 "Hagan" further reported that an individual was

15:20:40 3 intending to sue the SDS providing details of the

15:20:42 4 solicitor's firm he spoke with and their advice as to

15:20:45 5 how to deal with the matter.

15:20:46 6 HN 15 Mark Jenner reported on the McLibel support

15:20:50 7 claim, including information from Dave Morris about the

15:20:54 8 progress of the trial and revelations that London

15:20:56 9 Greenpeace had been infiltrated on four occasions.

15:21:00 10 HN 43, Peter Francis, reported on the advice given

15:21:04 11 to Lisa Teuscher from the Immigration Advisory Service.

15:21:10 12 The Inquiry is asked to identify the customers for these

15:21:12 13 reports and what was done with the information they

15:21:15 14 contained.

15:21:15 15 If appears that either little or no thought was

15:21:19 16 given by the SDS to the risk of reporting on matters

15:21:22 17 subject to legal professional privilege. HN 43

15:21:26 18 Peter Francis claims that he was advised to be arrest

15:21:27 19 savvy, namely to behave in the same manner as activists

15:21:33 20 if arrested and to even use the same solicitors that

15:21:36 21 they used.

15:21:37 22 There also appears to have been few qualms about

15:21:41 23 reporting on lawyers. Sir, you have already heard today

15:21:46 24 about the impact of this in the opening statement today

15:21:49 25 delivered by Imran Khan KC on behalf of

15:21:53 1 Michael Mansfield KC.

15:21:55 2 Reporting on politicians. T3, P1 included continued

15:21:58 3 reporting on politicians and individuals running for

15:22:00 4 political office. HN 81 "David Hagan" reported on

15:22:05 5 Alex Owolade's standing in local government election in

15:22:09 6 Angel Ward under a Movement for Justice banner.

15:22:13 7 HN 43 Peter Francis similarly reported on a member

15:22:17 8 of Militant Labour becoming a Tower Hamlet councillor.

15:22:22 9 HN 81 "Hagan" states that if a particular Member of

15:22:23 10 Parliament was agitating for unlawful behaviour or was

15:22:25 11 making inflammatory statements, this would have been

15:22:28 12 passed on to undercover officer handlers, but that given

15:22:33 13 prohibition within Metropolitan Police Special Branch of

15:22:36 14 reporting on sitting MPs, he doubts that this would have

15:22:40 15 been recorded in a written report.

15:22:42 16 A report which refers to Dave Nellist provides his

15:22:44 17 Metropolitan Police Special Branch reference and gives

15:22:47 18 the full Special Branch reference, which indicates that

15:22:50 19 this file was created the same year he was elected as

15:22:54 20 an MP. Dave Nellist in his witness statement asks for

15:22:57 21 this Inquiry to thoroughly consider whether he was

15:22:59 22 specifically targeted for this reason.

15:23:01 23 Reporting on trade unions. In T3, P1 there was

15:23:07 24 a continuation of undercover officers reporting on trade

15:23:11 25 union membership and the activities of individuals and

15:23:13 1 groups. Trade unions continued to have their own
15:23:17 2 Metropolitan Special Branch reference in Tranche 3.

15:23:22 3 HN 43 Peter Francis attended trade union
15:23:26 4 demonstrations and reported on union activities. He
15:23:29 5 discloses that if he identified any of his targets as
15:23:31 6 trade unionists that would almost guarantee they would
15:23:34 7 have a Special Branch file, because trade unionists were
15:23:39 8 seen by their nature as being subversives.

15:23:41 9 HN 15 Mark Jenner reported on industrial disputes.
15:23:46 10 He also joined a trade union, namely the Union of
15:23:48 11 Construction, Allied Trades and Technicians, which he
15:23:54 12 claims was done to bolster his credibility. The Inquiry
15:23:57 13 must ascertain the true extent of his activities within
15:24:00 14 the trade union movement, given his contradictory
15:24:04 15 accounts of his involvement.

15:24:05 16 On blacklisting and vetting the practices of
15:24:08 17 undercover officers reporting the employment details of
15:24:11 18 individuals continued into T3, P1. The customers for
15:24:15 19 this information, the extent of its dissemination,
15:24:18 20 including for the purposes of blacklisting and vetting,
15:24:22 21 as well as the impact of this reporting, is something
15:24:24 22 which this Inquiry must investigate.

15:24:26 23 The Consulting Association possessed a secret
15:24:32 24 database of 3,200 union activists in the building
15:24:35 25 industry, and this was used by the major multinational

15:24:38 1 construction firms to check workers against this list
15:24:41 2 for the purpose of blacklisting those who appeared
15:24:43 3 on it.

15:24:44 4 The Consulting Association held a file in
15:24:48 5 Lisa Teuscher's name. Lisa Teuscher has never worked in
15:24:50 6 the building industry, was reported extensively by
15:24:55 7 Peter Francis.

15:24:55 8 The Information Commissioner's Office stated in 2012
15:24:59 9 that some of the content contained in the blacklist
15:25:02 10 could only have come from the police or the Security
15:25:04 11 Services. The group look forward to receiving the
15:25:08 12 evidence from Metropolitan Police Special Branch
15:25:11 13 Commander Donald Buchanan in Tranche 3, Phase 3 to
15:25:15 14 elaborate on the comments he made to Operation Herne
15:25:19 15 relating to the issue of blacklisting, which are noted
15:25:21 16 as:

15:25:21 17 "Economic League -- Consulting Associates -- earlier
15:25:25 18 days -- gathering information selling, to sell to
15:25:28 19 business -- we were aware and concerned -- didn't know
15:25:31 20 information -- it disappeared."

15:25:33 21 There clearly existed an awareness within the SDS
15:25:38 22 that blacklisting was occurring. As evidenced in the
15:25:41 23 report of HN 15, Mark Jenner, signed off by Detective
15:25:44 24 Chief Inspector Keith Edmondson, this described the fact
15:25:47 25 that a longstanding activist had been blacklisted

15:25:50 1 because of his enthusiasm for trade unionism.

15:25:57 2 The impact of blacklisting cannot be underestimated,

15:26:00 3 as expressed by of the non-state core participant

15:26:03 4 Frank Smith, who was reported on by HN 15 Mark Jenner.

15:26:07 5 Frank Smith credits the stress of being blacklisted as

15:26:10 6 a reason for the end of his long-term relationship and

15:26:13 7 says it completely turned his life upside down.

15:26:17 8 The extent to which blacklisting took place using

15:26:20 9 SDS intelligence and the effect on those who were

15:26:23 10 blacklisted and the knowledge of this practice within

15:26:29 11 Metropolitan Police Special Branch are critical issues

15:26:31 12 going directly to the terms of reference. These issues

15:26:33 13 must therefore be thoroughly investigated by the Inquiry

15:26:35 14 in Tranche 3.

15:26:36 15 The group understands that, despite this, the

15:26:39 16 Inquiry is not calling Dave Smith to give evidence in

15:26:42 17 Tranche 3, Phase 1. Dave Smith was the secretary of the

15:26:46 18 Blacklist Support Group and co-author of the book,

15:26:50 19 "Blacklisted: the secret war between big business and

15:26:55 20 union activists" and has critical evidence to give to

15:27:00 21 this Inquiry.

15:27:01 22 Sir, in conclusion, the group urges the Inquiry to

15:27:03 23 be mindful of the duty of candour that is currently

15:27:06 24 before Parliament. The group also reiterates the

15:27:08 25 importance of ensuring that the substantial truth is

15:27:11 1 revealed as to the motivation for directing SDS
15:27:15 2 targeting and how it came to be that the SDS and later
15:27:19 3 the National Public Order Intelligence Unit was
15:27:22 4 permitted to continue for as long as they did and why
15:27:25 5 lessons were not learnt.

15:27:26 6 This requires a transparent approach from all the
15:27:29 7 state core participants and all Government departments,
15:27:31 8 particularly where they appear in the disclosure.

15:27:34 9 The non-police non-state core participants look
15:27:38 10 forward to hearing how the MPS, the Home Secretary and
15:27:41 11 the Security Services will fully and candidly account
15:27:44 12 for what occurred in T3 and beyond.

15:27:46 13 Thank you, sir.

15:27:49 14 THE CHAIR: Thank you very much indeed for stepping in at
15:27:52 15 the last moment to perform a task which you were not
15:27:56 16 expecting to do, in addition to the sterling work that
15:27:59 17 I know you have done on behalf of the participants who
15:28:03 18 you represent.

15:28:04 19 The Inquiry, through me, expresses its gratitude to
15:28:10 20 you.

15:28:14 21 MS DAGOSTINO: Thank you, sir.

15:28:16 22 THE CHAIR: We will now rise, we will not sit tomorrow. The
15:28:19 23 witness who was going to give evidence unfortunately for
15:28:22 24 health reasons is unable to do so tomorrow.

15:28:41 25 We will resume on Friday with the witness who is

15:28:45 1 known as "Sara".
 2 (3.29 pm)
 3 (The Inquiry adjourned until 10.00 am on
 4 Friday, 17 October 2025)
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