

# **IN THE MATTER OF THE UNDERCOVER POLICING INQUIRY**

## **BEFORE SIR JOHN MITTING**

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**OPENING STATEMENT ON BEHALF OF  
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### **A Tale of Delay and Secrecy**

1. Why has it taken 2,065 days for the Undercover Policing Inquiry (“Inquiry”) to commence its substantive hearings, having been established by Theresa May, then Home Secretary, as long ago as 12 March 2015? Why such exorbitant delay, when Lord Justice Pitchford, the original chairman of the Inquiry, stated in his opening remarks on 28 July 2015 that he hoped to deliver his report to the Home Secretary within three years?
  
2. There was perhaps a little delay due to the change of Inquiry chairman in 2017, when Lord Justice Pitchford sadly fell ill, passed away and had to be replaced. There has certainly been a five month delay this year due to the COVID-19 pandemic and the ensuing lockdown. However, neither of these reasons explains the total delay of more than five-and-a-half years. The principal reason is clear. The police have used every weapon in their arsenal and spared no expense to obfuscate, obstruct, undermine and delay an open, transparent and fearless public inquiry into undercover policing. The police have a simple strategy: the longer the delay, the better; the more kept secret, the better; the less disclosed, the better. Hence the strategy of arguing that much of the Inquiry should be held behind closed doors to protect the identities of undercover

officers and the techniques they used. Hence the strategy of making 148 applications for restriction orders, principally for anonymity in respect of not only the real names of undercover officers but often their cover names as well. Hence the strategy of insisting that every document must be security vetted and suitably redacted before it can be disclosed to those spied on, namely the non-state core participants (NSCPs), or their lawyers. Meanwhile some victims of police spying have died, and others are too ill or old to participate any longer.

3. Although much of the evidential basis for the restriction order applications made by the police has been withheld from the NSCPs and their lawyers, there does not appear to be any evidential justification for the police asserting that a full and open Inquiry with real names and cover names disclosed would expose any undercover officers or their families to the risk of physical injury, let alone death or inhuman and degrading treatment. The police have produced no evidence that any undercover officer whose real name or cover name is already in the public domain and who was involved in spying on a NSCP has suffered physical injury as a result. And as far as any reliance on the qualified right to respect for private and family life pursuant to article 8 of the European Convention on Human Rights (ECHR) is concerned, it is profoundly ironic that the very officers who infiltrated groups operating openly and lawfully and who arbitrarily interfered in the private and family lives of those they spied on should now invoke article 8 on behalf of themselves or their families. This adds insult to injury.
4. The police, from day one, have been deliberately trying to prevent the truth about undercover policing and the workings of the secret state from seeing the light of day. That is why the NSCPs and their lawyers have been repeatedly raising concerns about the approach and tactics of the police, about the absence of equality of arms as between state and non-state core participants, about the endless secrecy, redaction and delay, about the 28 generic grounds for restriction, about the unreasonable insistence on anonymity, about inadequate and late disclosure, and about the mass shredding of documents. It was the failure of the Inquiry to address many of these concerns and the over-indulgence shown by the Inquiry to the police that led the NSCPs and their lawyers to walk out of a preliminary hearing on 21 March 2018. Regrettably, there has been little improvement since then. Yet the NSCPs are still here, despite many, if not all, doubting that the Inquiry will ever answer their questions, address their concerns or

lead to change for the better. They remain determined to try and do everything in their power to hold the police and the Inquiry to account and ensure that the truth about undercover policing and the workings of the secret state are not covered up, as they largely were by Operation Herne, the 2014 investigation into the Special Demonstration Squad (SDS) by Chief Constable Mick Creedon of the Derbyshire police.

5. The primary purpose of Operation Herne's four reports was to defend and restore public confidence in undercover policing. Whilst acknowledging that there had been some misconduct, collateral intrusion, criminality and lack of oversight by police managers, the reports maintain that such failings are historic, as neither the SDS nor the National Public Order Intelligence Unit (NPOIU) exist any longer. The reports suggest that there is no evidence of any undercover officer acting as an *agent provocateur* and that "at present the amount of publicity received and the extent of the exposure of officers involved appear disproportionate to the allegations that have been forthcoming, when compared to the extent of the undercover activity and the number of officers exposed publicly." Predictably, the reports deliberately seek to cover up the role of the Security Service, MI5, in using the SDS to gather intelligence. In short, the deficiencies in the Operation Herne reports are the inevitable consequence of asking police officers to investigate other police officers. Any attempt by the Inquiry to follow a similar path, given what we now know, would be a catastrophic mistake.
  
6. Consequently, the choice is stark. Is the Inquiry going to blame the victims of undercover political policing and provide the establishment with yet another get out of jail free card? Or is the Inquiry going to hold the state accountable for its unwarranted intrusion into people's lives and for the many miscarriages of justice that it caused? Is the Inquiry going to reduce the problem to a few isolated rogue officers and inadequate oversight of those officers? Or is the Inquiry going to acknowledge that undercover political policing since 1968 has been institutionally corrupt from top to bottom? Is the Inquiry merely going to tinker around the edges, make the odd minor criticism and recommend the odd minor change, whilst leaving the edifice of the secret state largely untouched and unscathed? Or is the Inquiry going to make bold findings and recommendations that lead to genuine, transformational change for the better and prevent future wrongdoing? I repeat, the choice is stark.

## **Non-State Core Participants**

7. Having made those introductory remarks, I turn next to the non-state core participants. There are 219 non-state individuals and organisations who have been granted core participant status on the basis that they are likely to have been significantly affected by undercover policing or significantly impacted by the work of the Inquiry. They are only the tip of the iceberg. There are hundreds, if not thousands, of other individuals and organisations who undoubtedly meet the criteria. Some are unable to participate for reasons of ill health or old age. Some have died. Some are unaware that they were targeted by undercover police officers or unaware that this Inquiry is even taking place. Some have chosen not to apply for core participant status.
8. Special thanks are due to the Undercover Research Group, who have been monitoring undercover political policing for years and who have produced a list of all political groups and other campaigns that are known to have been spied on by undercover police officers since 1968. Neither the police nor the Inquiry has provided such a list.
9. I represent 12 of the NSCPs. Together with Richard Parry of Saunders solicitors and Nick Stanage of counsel, I represent Tariq Ali, Norman Blair, Piers Corbyn, Ernie Tate, Myk Zeitlin, the Advisory Service for Squatters and the Friends of Freedom Press. And together with Jane Deighton of Deighton Pierce Glynn solicitors and Una Morris of counsel, I represent Audrey Adams, Nathan Adams, Richard Adams, Duwayne Brooks and Ken Livingstone.
10. What about the larger group? Who are the 219 NSCPs? And what do they have in common? Although there is wide diversity amongst the NSCPs, the vast majority have been designated as core participants by the Inquiry because they were spied on as a result of their direct, indirect or perceived connection to political or social justice campaigning activity, be it against war, racism, inequality, police wrongdoing, animal cruelty, the destruction of the environment, the abuse of corporate power or the exploitation of workers. Many but by no means all the individuals spied on were activists. Others were simply victimised because they demanded justice or challenged a false police narrative or because of institutional racism in the police.

11. There are a few notable exceptions. There are, on my calculation, 13 NSCPs who were either not spied on as such or were spied on for reasons unconnected, even indirectly, with any political or campaigning activity. Whilst they too have been adversely affected by undercover policing, different considerations apply in their cases. They are the nine family members of deceased children whose identities were stolen and used by undercover police officers (Category F), the three family members of undercover police officers (Category M) and a former solicitor who was spied on for reasons unconnected with any political or campaigning activity.

### **General Points**

12. As all those I represent are amongst the 206 NSCPs who were spied on because of their connection to political or campaigning activity or because of police racism, I want to start by making ten general points. Ruth Brander and other NSCP counsel will probably have more to say about some of these matters in their opening statements.
  - a) Incompatibility – Undercover policing as established by Special Branch in 1968 is fundamentally incompatible with the norms and values of a truly democratic society. In a democracy, neither the police nor the security services should be spying on individuals or organisations and branding them as subversive, simply because of political beliefs that are deemed anti-establishment or because of lawful activity that challenges the might of the state or because of racism. The right to protest is an essential element of a healthy democracy. We say the police and the security services should not operate beyond the reach of democratic institutions and outside the rule of law, acting as a political force serving vested interests. Rather the police and the security services should adhere to the same laws and rules as the rest of us.
  - b) Focus – Whilst the key purpose of the Inquiry is broad, namely “to investigate the role and contribution made by undercover policing towards the prevention and detection of crime”, the Inquiry was in fact established because of a string of high profile scandals about secret political policing, scandals that only came to light because of the incredible courage and determination of those targeted, particularly those woman activists who were unwittingly deceived into intimate

relationships with undercover male officers (Category H) and Duwayne Brooks, Doreen Lawrence and Neville Lawrence who for years have been campaigning against racism and corruption in the police (Category G). It is also important to recognise the must-read book *Undercover: The True Story of Britain's Secret Police* by Rob Evans and Paul Lewis which was published in 2013 and tells the compelling story of over 40 years of state espionage.

In short, the Inquiry was established because the state could no longer turn a blind eye and was forced to investigate what had become a national embarrassment. Consequently, secret political policing must remain the focus of the Inquiry. In any event, it would be surprising if any NSCP were to argue that undercover policing cannot be a necessary and at times invaluable law enforcement tool to use against those engaged in serious, organised crime. After all, none of the NSCPs targeted because of their connection to political or campaigning activity or because of police racism were engaged in serious, organised crime. None of them are terrorists or traffickers or gangsters. To equate them, or any of them, with such criminality would be an outrage. The Inquiry is put on notice that any attempt to do so will be met with the most strenuous opposition, as will any attempt to divide the NSCPs into the good and the bad.

- c) Scope – As far as scope is concerned, the Inquiry is limited in three significant respects. Firstly, the Inquiry is investigating operations involving the use of undercover officers as covert human intelligence sources and the use of other officers as spies. In other words, it is not investigating the use of electronic surveillance techniques such as telephone tapping. Secondly, the Inquiry is only investigating undercover operations conducted by police forces in England and Wales and not those conducted by police forces in Scotland and Northern Ireland. Thirdly, the Inquiry is only investigating undercover police operations and not undercover operations conducted by MI5 or any other domestic intelligence service. As far as MI5 is concerned, the Inquiry will only consider interactions between the police and MI5, as revealed by the documents. Consequently, any conclusions the Inquiry reaches in due course about secret political policing will inevitably be partial and incomplete. The fact that MI5 is

largely escaping scrutiny is particularly worrying, given it is common knowledge amongst academics and journalists that all information gathered by Special Branch is shared with MI5 whilst the reverse is not the case. The role of MI5, an organisation that operates almost totally undercover, notwithstanding its website that seeks to present the organisation as open and transparent, must be examined if the Inquiry is to reach meaningful conclusions about secret political policing in England and Wales.

- d) Disclosure – As far as disclosure is concerned, the picture is shocking. The vast majority of NSCPs, over 90% of them, and their lawyers have yet to receive any disclosure from the Inquiry after more than five-and-a-half years, other than the SDS tradecraft manual which was disclosed in 2018 and a few SDS annual reports which were disclosed last week. They remain as much in the dark today as they were in 2015. Why are they still being denied disclosure?

What about the handful of NSCPs, including three of those whom I represent, Tariq Ali, Ernie Tate and Piers Corbyn, who received some disclosure in December 2019 when asked by the Inquiry to provide witness statements (pursuant to rule 9 of the Inquiries Rules 2006)? Specifically, they were given Civilian Witness Packs containing extracts from intelligence reports. However, they were not given a single witness statement by a single undercover officer or a single photograph to help them identify who had spied on them, before being asked to answer the Inquiry's detailed questions and produce their witness statements, largely about matters that occurred some 50 years ago. This made it all but impossible for them to provide any useful evidence about the activities of the undercover officers who spied on them or about the effect of undercover policing on their lives.

They were then given access to the Tranche 1 Phase 1 hearing bundle just a few weeks ago on 30 September, a bundle containing 1,045 documents totalling 5,263 pages. Given the bulk of this material was originally served by the police on the Inquiry, the police have had this material for however long it has existed, and the Inquiry has had it for years. But the select few NSCPs and their lawyers given this material (which includes my solicitors, my juniors and me) have had

just a few weeks to read the material, analyse it, cross-reference it, advise our clients, take instructions, decide what to highlight in our opening statement and identify what questions we want asked of those witnesses due to give evidence in November. It is unthinkable that this would have been countenanced in any other properly conducted proceedings. How is this fair? How is this due process? How is this equality of arms? How can this inspire any confidence that the Inquiry is taking the interests of the NSCPs seriously?

However, what is even more worrying than lateness is the woeful inadequacy of disclosure. According to the Inquiry, it has received in excess of 1 million pages of documents from the police. So far about 6,000 pages have been deemed relevant and disclosable, and then only to the above mentioned select few. Why is so little being disclosed? What is being withheld? How are the NSCPs and their lawyers supposed to participate effectively in the Inquiry without proper and timely disclosure? To what extent is the Inquiry going to rely on undisclosed material in reaching conclusions about undercover policing? How many closed hearings will there be? These urgent questions must be answered. At the very least, the Inquiry should provide comprehensive schedules of all sensitive and non-sensitive documents in their possession, much like unused material schedules in a criminal case.

Additionally, when the Inquiry uploads the documents that have been disclosed onto its website, the extent of the redactions, many in large black blocks, will become apparent to all. We have no idea whether these redactions have been made by the police, MI5 or the Inquiry. We have no idea in respect of most of the redactions whether they have been made on security or privacy grounds. Just to give one example of an inexplicable redaction: the names of many of the groups that were spied on have been redacted from the SDS annual reports.

- e) Shredding – The NSCPs have been concerned from the outset that the police would destroy incriminating documents. That fear was realised when the Independent Office for Police Conduct (IOPC) confirmed earlier this year that a secretive Scotland Yard intelligence unit shredded a substantial quantity of documents in 2014 despite an instruction that the documents had to be

preserved. This was soon after Theresa May first announced in March 2014 her intention to establish an inquiry into undercover policing and before she formally established the inquiry a year later. The Inquiry must investigate the destruction of documents by the police. This is squarely within its terms of reference. Such flagrant police misconduct and possibly even criminality cannot be ignored.

- f) Racism – The police treatment of Black people in Britain has always been blighted by an entrenched racism that permeates the culture, ranks and structures of the police. When Sir William Macpherson concluded in 1999 that the investigation into the murder of Stephen Lawrence and the assault on Duwayne Brooks had been marred by a combination of professional incompetence, institutional racism and a failure of leadership, he was not telling the Black community anything that they did not already know and had not been saying themselves for decades. What was groundbreaking is that it was the first time that the British state had acknowledged the insidious role that institutional racism played within a major public institution.

A significant number of the NSCPs, both individuals and organisations, are Black. Consequently, an understanding of the nature and extent of police racism and the many ways that it impacts on the lives of Black people is imperative.

There is concern amongst those who I represent that the Inquiry Chairman sits alone during the evidence, refusing to support calls for a diverse panel to assist him during his determination of the facts, as Sir William Macpherson had. There is concern that the role of racism in undercover policing will remain misunderstood and unexplored. This is not simply because these issues are wholly outside the knowledge and experience of the Inquiry Chairman. It is also because he has told a number of the NSCPs and their lawyers that the Macpherson definition of racism is controversial and has expressed the view that when you look at racism, you primarily need to look at the motivation of the alleged perpetrator and not the perception of the alleged victim. This is disturbing to many and contrary to how the police themselves now investigate racist incidents.

It is essential that the Inquiry does not reverse whatever progress has been made over the years as a result of the courage and determination of Black people to stand up for their rights and fight for equality. We must continue the struggle to eliminate racism from our society. The Inquiry needs to play its part.

- g) Burden – From start to finish, the burden should remain on the police to justify that the NSCPs were legitimately targeted and that the methods used were lawful and proportionate. At no stage should the burden shift to the NSCPs, requiring them to defend their actions or establish that they were wrongly targeted. Consequently, many of the rule 9 questions asked of Tariq Ali, Ernie Tate and Piers Corbyn by the Inquiry are misconceived. As Tariq Ali observes at §3 of his Inquiry witness statement:

“Having now considered the very precisely targeted Rule 9 questions asked of me by the Inquiry, my strong feeling is that this Inquiry is likely to be a monumental waste of time. This is because the direction of travel is clear from the questions – to dissect the politics of the victims of police spying, and therefore to turn the spotlight away from the actions of the police. This is the politics of ‘blame the victim.’ And no doubt I and others will be declared guilty. Even 50 years on, the State is fighting exactly the same battle it was engaged in in 1968. This comes as not the least surprise.”

This has got to stop. There must be a change of approach in respect of the rule 9 questions asked of NSCPs in future tranches and phases. Or the Inquiry is at risk of losing the continued good will of the NSCPs.

- h) Responsibility – The NSCPs and the general public still have little idea whether the police take any responsibility for the spying and surveillance carried out by undercover police officers or recognise that there was any wrongdoing on their part. Because the Inquiry decided against requiring the state core participants to provide “position statements” in advance that set out their stall, we remain largely in the dark, as we draft this opening statement. Will there be any remorse or concession? Or will there be more obfuscation and obstruction?

- i) Participation – We are in the middle of a pandemic. Infection rates are rising, and further restrictions are being introduced. That’s why the Inquiry has decided to have virtual hearings conducted remotely. Our oral openings are being live streamed. They can be watched online by the NSCPs and the general public. But the first phase of the evidence is not being live streamed, other than to the Chairman’s home, the Amba Hotel in central London where those attending can see and listen to the evidence in real time and, exceptionally, to the home of one NSCP who is shielding (but in her case, only in respect of evidence due to be heard next year).

The Inquiry’s approach is different from the approach in other inquiries, including the ongoing Grenfell Tower Inquiry and the ongoing Independent Inquiry into Child Sexual Abuse, where there is live streaming of all open hearings to the general public.

The Inquiry’s approach means that those who cannot attend the hearing venue will not be able to see or hear the evidence. Their access to the evidence is restricted to an invitation to read a transcript of it. This is inadequate. Reading is not equivalent to, or even close to being equivalent to, the experience of seeing and hearing a witness give evidence, either in person or on screen. It is also impractical to expect NSCPs to read five to six hours of transcript each sitting day.

Justice requires those spied on to be able to see and hear those who spied on them. The Inquiry’s approach amounts to a denial of justice and access to justice to the NSCPs who are unable to attend the hearing venue. It also inhibits their effective participation in the Inquiry.

So, we are left with an Inquiry into undercover policing where the police are being kept hidden from most of those they spied on and from most of the general public.

Why is this happening? The Inquiry says that live streaming would be incompatible with the protection of the rights and interests of witnesses and

would infringe restriction orders already made. But this is untenable. If there is any risk that a witness might infringe a restriction order, there can be a short time delay in the live streaming so that the offending words can be edited out. And if, quite fantastically, it is being suggested that a NSCP might copy a clip of footage or a section of audio and disseminate it, this is offensive. It ignores that every restriction order includes stringent enforcement powers. And it ignores those witnesses, like Tariq Ali, who want their evidence to be live streamed.

So which NSCPs are being excluded? Firstly, there are those who cannot travel to the hearing venue because they, or someone with whom they live, are at risk of becoming sick or even dying of COVID-19. Black people, disabled people and those over the age of 60 are all at greater risk of this than others and are, therefore, particularly disadvantaged by the lack of live streaming. The Equality Act 2010 exists to protect people from suffering such disadvantage because of their race, disability or age. The Inquiry made these arrangements without considering its duties under the Equality Act 2010, arrangements that are plainly discriminatory. Secondly, there are those who cannot travel to the hearing venue for a host of other reasons to do with personal safety, the safety of others with whom they live, the risk of losing a job or other commitments.

Even at this late stage, we are doing our best to persuade the Inquiry to change the arrangements, so as to allow those NSCPs who cannot attend the hearing venue to see and hear the evidence on Zoom in their homes.

We know the Chairman recognises the risk of travelling to the hearing venue. He has decided to chair the Inquiry from his home with the benefit of live streaming. If he feels it is best not to travel, how is it just to expect others to do so?

- j) Objectives – What do the NSCPs who were spied on because of their connection to political or campaigning activity or because of police racism want from the Inquiry? Given the multiplicity of ways that the NSCPs were targeted by undercover officers and differing experiences, there will undoubtedly be a wide

range of objectives amongst the NSCPs. However, the NSCPs whom I represent (and perhaps many others too) have the following three general objectives in common:

- (i) Firstly, the NSCPs whom I represent want answers, chapter and verse, not just scraps of intelligence. They want full disclosure of all the documents created by the undercover officers and their managers. They want full disclosure of all the files kept on them by Special Branch and MI5. They want similar access to that gained by the victims of spying by the STASI in the former East Germany who have been able to see all the documents held on them since the STASI was disbanded in 1990. Specifically, the NSCPs want to know who spied on them. But they want more than just the cover names of the spies. They want to know when, where, why and how. They want to know the nature and extent of the spying. They want to know who authorised the spying and who exactly was in the know. They want to know what information was gathered and what use was made of the information. They want to know with whom the information was shared and to what extent the government was complicit. And some want to see those who spied on them, hear them and look them in the eye with the full knowledge of their true identities as undercover officers.

MI5 has publicly stated that it holds files on hundreds of thousands of people. Special Branch has its own files. If the Inquiry has these files, why are the NSCPs being denied access to their own files, even in redacted form? If the Inquiry does not have these files, how can the Inquiry hope to get to the truth, when obviously relevant material is being withheld from it?

- (ii) Secondly, the NSCPs whom I represent want accountability. They want the Inquiry to declare that they were wrongly spied on and reach robust conclusions of fact from which others may infer civil or criminal liability.

- (iii) Thirdly, the NSCPs whom I represent want change. And by change, I mean change for the better, not change that in fact strengthens the hand of the secret state. They want the Inquiry to recommend that all police units and squads spying on those engaging in normal political and campaigning activity are immediately disbanded and outlawed, and that concrete steps are taken to ensure that such units and squads are not resurrected under a different guise in the future. Nothing less will do.

### **Origins of Secret Political Policing**

13. Before I turn to the activities of the Special Demonstration Squad, it is important to note that undercover political policing and the secret state did not suddenly come into existence in 1968. The state has been secretly spying on the people for centuries, long before the formation of the Metropolitan Police in 1829. More recently, Special Branch, established by Scotland Yard in 1883, has been actively engaged in the covert surveillance of political activists. Whilst its initial focus was on the activities of Irish nationalists in England, it soon began targeting others: immigrant groups, anarchists, suffragettes, socialists, communists, trade unionists, pacifists, anti-colonialists and the list goes on. Anyone perceived by the state as having militant or subversive ideas was fair game, thus belying the pretence that we do not have any political police in Britain.
14. The Cambridge English Dictionary defines secret police as “a police force that secretly collects information about people who oppose the government and tries to make such opposition weaker, often using illegal and violent methods.” This is what Special Branch has been doing for 137 years. As Tony Bunyan observes in his authoritative 1973 book *The History and Practice of the Political Police in Britain*, “the contention that we live in a society where, increasingly, it is ideas which are policed is still one many people are not prepared to recognise. Yet this is precisely the premise of the Special Branch.”

### **Special Demonstration Squad**

15. What did dramatically change in 1968 was the creation by Special Branch of a new squad of undercover officers who would transform themselves into pretend political

activists and live their fake identities for months, even years. How did this initiative, the brainchild of Detective Chief Inspector Conrad Dixon, come about? 1968 was a year of protest around the world including Britain. There was growing alarm within the Labour government of Harold Wilson at the burgeoning protest movement in Britain, particularly over the Vietnam War. Although Wilson had refused to send British troops to Vietnam, he had given qualified support to the American war effort, thereby helping internationally to legitimise American policy in Vietnam. There were many, both inside and outside the Labour Party, who were strongly opposed to Wilson's complicity. When DCI Dixon proposed his initiative as a means of gathering more reliable intelligence about upcoming anti-war protests, the Labour government was so supportive that it agreed to fund DCI Dixon's new squad directly from the Treasury. The new squad started life as the Special Operations Squad (SOS), before being renamed the Special Demonstration Squad (SDS) in 1972.

16. The SDS was a departure in British policing. The deployment of officers to infiltrate political groups on a long-term basis had not been done before. Previously Special Branch had gathered intelligence and carried out surveillance from the outside. The reason for this was at least in part to avoid the charge of behaving like *agent provocateurs*, something traditionally associated with the secret police in European states prior to the Second World War. We are unlikely ever to discover to what extent undercover officers entrapped the innocent and caused miscarriages of justice.
17. There was also a marked operational difference from the outset between SDS undercover officers who infiltrated political groups and more traditional undercover officers who infiltrated criminal gangs. SDS officers gathered inside information about the political groups they were spying on, and the information was fed back to their handlers and then to MI5. They were neither tasked to gather evidence for use at trial nor called as prosecution witnesses in court. They were deep undercover. Consequently, their methods and tactics were able to escape legal scrutiny for decades. By contrast, officers who infiltrated criminal gangs were generally involved in much shorter operations. They did gather evidence and frequently were called as prosecution witnesses in court. In other words, the primary objective of the SDS was never to prevent or detect crime or engage in genuine law enforcement. The primary objective

of the SDS was always to spy on those perceived in one way or another to be political opponents of the state or the status quo.

18. The SDS followed strict lines of command. It was subordinate to MI5. Its reports were copied to “Box 500”, shorthand for MI5. Its operational parameters were known and sanctioned by the Home Office. There was political control, and both Wilson and the Home Secretary, James Callaghan, must have known of the squad’s initial formation.
19. The SDS was never politically neutral. It had a clear political orientation on the right of the political spectrum. It represented the hard end of the state apparatus, naturally conservative in culture, politics and outlook, and its officers were politically vetted by Special Branch so to be. The targets of the SDS were initially all on the left of the political spectrum and were routinely labelled as “domestic extremists.” Hundreds of groups were spied on. This was secret, anti-democratic political policing. Only later, in the mid-1970s, when Labour came back to power, did some far right and fascist organisations begin to attract police attention, but this was very much an afterthought.
20. What is frightening when one reads the disclosure recently provided by the Inquiry about the early activities of the SDS is the fact that nobody in policing or in government seemed to have the slightest concern about the legality or the morality of what police spies were doing. There was no proper risk assessment (or any risk assessment for that matter) of whether the covert methods being used were in accordance with the law or necessary in a democratic society or in pursuit of a legitimate aim or proportionate or otherwise human rights compatible. There were no safeguards to guard against the risk of abuse of discretionary power. It was all sanctioned with a nod and a wink. It did not matter that those being spied on were neither criminals nor even tangentially implicated in criminal activity. That was irrelevant as far as the police and the government were concerned. In the name of law and order or national security or defence of the realm, the SDS was given free rein to engage in intrusive espionage, regardless of the consequences for those targeted and regardless of the consequences for our democratic norms and values.

21. It is worth remembering what Peter Wright, a former MI5 officer, famously said in his 1987 bestseller *Spycatcher*:

“For five years we bugged and burgled our way across London at the state’s behest, while pompous bowler-hatted civil servants in Whitehall pretended to look the other way.”

### **Lack of Oversight**

22. The Inquiry might be tempted, looking back at the early decades of the SDS, to conclude that the lack of oversight and regulation is no longer a problem. After all, we now have statutes like the Human Rights Act 1998 and the Regulation of Investigatory Powers Act 2000. Since 2000, we have had the Investigatory Powers Tribunal, a judicial body currently headed by a serving Court of Appeal judge which operates independently of government to provide a right of redress to anyone who believes they have been a victim of unlawful action by a public authority using covert investigative techniques. And since 2017, we have had the Investigatory Powers Commissioner’s Office, currently headed by a retired Court of Appeal judge, that provides independent oversight and authorisation of the use of investigatory powers by intelligence agencies, police forces and other public authorities.
23. So, are the worst excesses of the SDS and the NPOIU a thing of the past? Is it unthinkable that the police and MI5 today would engage in similarly intrusive domestic espionage or would similarly flout the rule of law whilst spying on individuals and organisations like the NSCPs?
24. It would be extremely naïve and short-sighted to conclude that we have moved on and that the secret state is now subject to proper and rigorous judicial and parliamentary scrutiny and oversight. Take the open judgment of the Investigatory Powers Tribunal in what has come to be known as the “Third Direction” case which should dispel any myth that judicial scrutiny and oversight is the answer. In a challenge brought by four non-governmental organisations, Privacy International, Reprieve, the Committee on the Administration of Justice and the Pat Finucane Centre, against the Foreign Secretary, the Home Secretary, GCHQ, MI5 and MI6, the Tribunal held in December 2019, by a majority of three to two, that there was an implied power in the Security Service Act

1989 for MI5 officials and agents in appropriate cases to commit unspecified criminal offences and that this power was lawful under domestic public law and the ECHR. This decision is currently under appeal. Meanwhile the government has introduced the Covert Human Intelligence Sources (Criminal Conduct) Bill which can only undermine if not obliterate any faith in parliamentary scrutiny and oversight. This alarming and misconceived Bill, which is currently making its way through Parliament, creates a new regulatory regime for authorising state agents and informants, whether deployed by the police, MI5 or other named public authorities, to commit criminal offences. It places no express limits on the types of criminal offences that can be authorised and committed and bars survivors of abuse, like the NSCPs, from seeking redress through the courts, by granting immunity from prosecution and immunity from civil liability to those who have committed authorised criminal offences. And most of the parliamentary Labour opposition abstained on the second and third readings of the Bill this month, with only 17 Labour MPs on the second reading and 34 Labour MPs on the third reading defying the whip, rebelling against the party leadership and voting against it.

25. In 1968, the Labour government, together with the police and MI5, inflicted the SDS on political activists. And in 2020, most Labour MPs, in deference to the police and MI5, are failing to oppose Tory legislation that would legalise crime by state agents and erode the separation of powers. The future is bleak, I'm afraid.
  
26. As oversight and regulation of undercover policing are squarely within the Inquiry's terms of reference, several critical questions arise. To what extent has there been any or adequate oversight of undercover policing since 1968? Were any restrictions placed on what undercover officers could do? What precisely was monitored and sanctioned and by whom? Who exactly knew, within the police, MI5 and the government, what undercover officers on the ground were doing? Was there any judicial or parliamentary oversight? To what extent was judicial or parliamentary oversight effective in protecting the rights of those spied on? What systems of oversight and regulation of undercover policing exist in other democratic states? Are undercover officers in other democratic states given as much free rein to violate the rights of those spied on, as undercover officers in England and Wales? In terms of best policy and practice, what can we learn from other democratic states? We trust the Inquiry will leave no stone unturned in establishing the facts regarding the oversight and regulation of undercover

policing in England and Wales since 1968 and ensuring that we never again have the kind of unwarranted domestic spying on an industrial scale that has plagued the last 50 years.

### **Tariq Ali & Ernie Tate**

27. Tariq Ali will be the first witness to give evidence to the Inquiry. Born in Punjab and now 76 years old, he is a public political figure, having been a life-long activist, writer and broadcaster. He has been involved in many political and campaigning organisations including the Vietnam Solidarity Campaign (VSC), the International Marxist Group (IMG) and the Stop the War Coalition (STWC). He has edited various publications and programmes including *Black Dwarf*, *Red Mole*, *New Left Review* and Channel 4's *Bandung File*. He has written more than a dozen books on world history and politics and several novels. His autobiography *Street Fighting Years*, a counter-history of the 1960s, shows a radicalism that has always been open and public.
28. Mr Ali was President of the Oxford Union in 1965, the year that MI5 opened a file on him. This file will probably remain sealed and labelled "Top Secret" for years. It will certainly not be disclosed to him, whatever the outcome of the Inquiry.
29. In 1965, Mr Ali attended the Helsinki Peace Conference. Two years later, he was sent by the Bertrand Russell Peace Foundation to Hanoi in North Vietnam. That experience was formative, and in London he became active in the VSC, opposing the American war on Vietnam, a war that between 1965 and 1976, according to varying estimates, killed between 500,000 and 1,500,000 Vietnamese civilians and soldiers and over 58,000 American soldiers, culminating in American withdrawal and defeat.
30. Ernie Tate, who is 86 years old and lives in Toronto, Canada, was excited to be contacted by the Inquiry. He was planning to fly over and give evidence in person. But the delay has been to his detriment. He has recently been diagnosed with pancreatic cancer and is sadly unable to participate any longer. Nevertheless, he still wants us to represent his interests because, as he puts it, "the police harassment and violation of our civil rights was a grave injustice to all the British people."

31. Mr Tate was born in Northern Ireland. He became interested in socialist politics as a young man after he emigrated to Canada in 1955. He came to the UK in 1965 and remained here for almost five years. He was one of the founders of the VSC in 1966, the year that MI5 opened a file on him. He remained on the national council of the VSC until April 1969 when he returned to Canada.
32. The VSC was a lawful, non-violent organisation that held open meetings and never hid what it was doing or planning. A comparison between information gathered on the VSC by Special Branch prior to the formation of the SDS and information gathered on the VSC by the SDS subsequently will demonstrate that there was little, if any, difference.
33. In 1968, Mr Tate was instrumental in founding the International Marxist Group, the British Section of the Fourth International. The IMG, which grew from a local group of about a dozen members in Nottingham to a national group of about 1,000 members, was an influential group of socialists. Ernie Tate became a friend and comrade of Tariq Ali.
34. Mr Tate has written two volumes of political memoirs entitled *Revolutionary Activism in the 1950s and 60s*. Volume 2 is about his time in Britain between 1965 and 1969. Like Mr Ali, Mr Tate has always been open about his politics. There was never any need to spy on him.
35. I intend now to expand on what I said earlier about the formation of the SDS because it is of critical importance to the Inquiry and relates directly to the VSC, Mr Ali and Mr Tate.
36. In 1968, Mr Ali and Mr Tate were involved in planning and organising two large VSC anti-war demonstrations in London, on 17<sup>th</sup> March and 27<sup>th</sup> October. The March demonstration was the catalyst for the formation of the SDS. In the *Pathé* newsclip, available on YouTube and referenced by the Inquiry in the hearing bundle, you can see some evidence of how the peaceful demonstration turned violent and what the VSC later complained about. Instead of letting protesters march around Grosvenor Square in a peaceful and orderly way, on a route agreed in advance between the VSC organisers and the Metropolitan Police, uniformed officers crushed the head of the march into a

funnel by throwing a cordon diagonally across North Audley Street. This led to enormous pressure on the protesters and the police lines. As the police lines collapsed, protesters ran onto the green space in front of the US embassy. The police, caught unprepared, fought against this, wrestling protesters to the ground and hitting them with truncheons. When this failed, mounted officers on horseback rode into the tightly packed crowd, a highly dangerous tactic. In short, the melee was the result of a failure of public order policing by the uniformed branch.

37. The VSC gave a press conference the next day, at which Mr Ali and Mr Tate were present, explaining that the resulting injuries on both sides were not because protesters were intent on violence but because their delegation was prevented from handing in a letter of protest to the US embassy (as the police had agreed they could do), their route was blocked, and a crush had ensued. The records on the demonstration kept in the National Council for Civil Liberties (NCCL) archives in Hull largely support what the VSC said at the time. We asked the Inquiry to obtain these, but they do not appear in the hearing bundle.
  
38. So, what happened at the March demonstration was not an intelligence failure. The police had not expected the protesters to oppose their violence. The police had not expected the protesters to defend themselves and fight back. This shocked the police, the media and the government. In his Inquiry witness statement, SDS officer HN326 (who used the cover name “Doug Edwards”) says he was chased and hit by a police officer at a demonstration which he attended whilst working undercover. To quote him directly, “the police would see you with long hair and a beard so you got clobbered.” It is important for context to look back and remember what those times were like.
  
39. The lie by the police, that violence at the March demonstration was due to an intelligence failure, is the original sin that led to the formation of the SDS. And it was this lie that led their political masters to support and fund an entirely different approach to policing. When the October demonstration passed off largely peacefully, the lie was elevated. The SDS took the credit and claimed it was due to intelligence obtained by undercover officers. But nothing was further from the truth. There were two reasons why the October demonstration was largely peaceful:

- a) Firstly, the VSC wanted a peaceful march and planned for it. They successfully stewarded the march from Trafalgar Square to Hyde Park, with only a relatively small number of protesters breaking away and heading for Grosvenor Square. The repeated public calls by Mr Ali, Mr Tate and others in the VSC for a peaceful march were largely heeded by the protesters.
  - b) Secondly, whilst the police had a thick line of about 1,000 officers around the US embassy and occupied the grass space in front of it, they allowed the breakaway protesters to protest around two sides of Grosvenor Square. Although there was some attempt to push through the police line, it was easily fended off. Unlike the March demonstration, the October demonstration was effectively policed by uniformed officers. This was exactly how it was initially reported in the press, and indeed in another Pathé newsclip, also available on YouTube and referenced by the Inquiry in the hearing bundle, which explicitly states that “the march stewards did a good job in maintaining order” and “much credit was due to demonstrators and police.”
40. In other words, intelligence played no real role in ensuring that there was no repeat at the October demonstration of the violence at the March demonstration. But the die was cast. A tame journalist at the *Daily Express* was fed a story, writing that “an enormous undercover operation was mounted to penetrate the secrets of the organisation behind the march” and the police had “a man present at nearly every meeting of the Ad Hoc Committee” organising the march. This was true, but the claim that this was why the march had passed off largely peacefully was disingenuous and allowed Special Branch to claim credit where credit was not due. In fact, Sir John Waldron, the Metropolitan Police Commissioner, was so pleased that he personally delivered a bottle of champagne to the new squad’s safe house. The undercover officers themselves were told, and came to believe, that their role had been highly significant, although, as you can read in their witness statements, they had no idea what was really done with the product of their intelligence, especially what MI5 did with it. They had in fact expected the squad to be disbanded after the October demonstration.
41. But MI5 saw all too clearly the value in maintaining the new squad, as it facilitated long term penetration of groups they deemed “subversive”. It allowed a depth of

intrusive intelligence gathering that was over and above what they could achieve with informants and telephone tapping. This was highlighted in the letter sent by the Met's Assistant Commissioner for crime on 27 May 1969 to the Home Office in seeking future funding. It states that the Commissioner himself was "firmly in favour of our continuing SOS operations" and "the Security Service fully supports our view." And he adds, with sleight of hand, that there had been "no criticism of undercover methods by the public, extremists or civil liberties groups."

42. Unsurprisingly, the Home Office gave their blessing to the Metropolitan Police continuing with the SOS. And successive governments were happy to authorise funding, year after year. There should be no mistake. Whilst this squad was kept secret from the public, it was completely integrated into the established security apparatus of the British state, with a chain of command through the senior ranks of the police to the highest levels of government. The original planning meetings in August and September 1968 had on occasion been chaired by MI5 officers, and those present included the Director of "F" Department of the Home Office (Counter-Subversion) and the Commander of Special Branch. They reported to the Under-Secretary of State at the Home Office, who in turn reported to the Minister. Parts of the VSC file, now disclosed for the first time in 50 years, show that both the Prime Minister, Harold Wilson, and the Home Secretary, James Callaghan, were expecting a "situation report" prior to the October 1968 demonstration, responsibility for the production of which was to rest with MI5, but with input from DCI Dixon. It could not go any higher.
43. In the years that followed, hundreds of left wing and community organisations were targeted. The extent of the spying is staggering. From the very start, the police revelled in the apparent success of the new squad and the gathering of "superior intelligence" by which they meant sensitive information that could not be gathered by normal methods. The police gleefully stated that "new entrants to the extreme left-wing political scene are identified and recorded within weeks" and that they had submitted hundreds of reports and attended a thousand meetings within the first year of operation.
44. DCI Dixon, who was in charge, had told his men (and one or two women) to "sweep wide, to include any group sympathetic to involvement in the forthcoming October 1968 demonstration" and this soon developed into what came to be called the "oblique

approach.” This meant infiltrating groups that were of no threat whatsoever, in order to provide cover for penetrating other groups of perhaps more interest. The problem with this was that everybody was now “fair game” to be spied on and reported on to MI5. The list of those spied on included the tiniest political groups of just a few members. It included housing rights groups, community enterprises, cooperatives and campaigns to save a hospital or create a public park.

45. At the end of the day, Tariq Ali expects nothing of substance to come from the Inquiry. He has known since 2002, when he was told by the journalist Peter Taylor during the BBC *True Spies* documentary, that an undercover officer had infiltrated the IMG and was so trusted that he had been given the keys to the IMG office. The officer made pressings of the keys using plasticine, from which copies of the keys could be made. We can be sure that MI5 later broke into the office, stealing and copying whatever they wanted. Interestingly, we now know that the undercover officer, who used the pseudonym “Dan” when interviewed by Peter Taylor, was in fact SDS officer HN336 who, according to his Inquiry witness statement, used the cover name “Dick Epps” when infiltrating the IMG.
46. Mr Ali has continued to participate in the Inquiry because he thought something of interest might be revealed in the statements of those who spied on him. These were finally provided just a few weeks before he is due to give evidence, with little time to consider them carefully. So far, the witness statements of 17 officers have been disclosed, of whom nine are scheduled to give live evidence in November (although, unhelpfully, we have been refused disclosure of the rule 9 questions that the officers were asked). On first reading, the statements are anodyne and give little detail of any personal interactions. Only one SDS officer, HN340 (who either used the cover name “Alan Nixon” or “Andy Bailey”), admits to a brief interaction at Conway Hall in 1970 when Mr Ali suggested he attend meetings of the North London Red Circle which the officer did.
47. Mr Ali would like to hear some general condemnation of the secret state and the mass spying on citizens but is resigned to the likelihood that there will instead be posterior justification. He knew he was being spied on, as did most activists at the time, but even he did not expect such intimate betrayals. But this is exactly what Special Branch and

MI5 wanted, believing as they do that the humdrum of someone's life might always be turned to the state's advantage. Every bit of tittle tattle ended up in the Registry where Special Branch and MI5 could assess its usefulness, to what end we will never know.

48. When Mr Ali gives evidence to the Inquiry, he will no doubt be asked about his revolutionary beliefs and whether violence is ever justifiable. He will answer that he is proud to be a revolutionary and proud to be standing up for people fighting against oppression. He will say yes, of course violence is justifiable in certain circumstances. It is justifiable, if you are Vietnamese, and your country has been invaded by the Japanese, the French or the Americans, just as it is justifiable if you are a British soldier fighting against the Nazis in the Second World War. Mr Ali is for peace like most of us, but not at any cost. He is a revolutionary because he believes in socialism, the radical transformation of society and a better life for the working class internationally.
49. Ernie Tate wants the Inquiry to reach a firm conclusion that this type of secret political policing should be outlawed. There is no justification for it in a democratic society. If people are persuaded that socialism is a better alternative to rampant capitalism, should they not be allowed to exercise their democratic right to pursue such politics without being spied on? Socialism has a long and noble history in the UK as much as anywhere else. The ongoing struggle for fundamental rights has been long. And it will not end any time soon.

### **Piers Corbyn**

50. Piers Corbyn is now 73 years old, and his recent notoriety as a speaker at the anti-lockdown protests up and down the country shows he has not given up his activism and still retains the energy of his youth. Like Tariq Ali and Ernie Tate, Mr Corbyn has always been open about his politics and has nothing to hide.
51. Just over 50 years ago, in 1969, he was President of the Imperial College Union. He was politically active, attending VSC rallies. An MI5 file was opened on him. Again, he does not have access to this file.

52. In 1971, Mr Corbyn joined the IMG and attended numerous political meetings, rallies and demonstrations about the burning issues of the day, including Ireland, anti-fascism, anti-racism and trade union struggles for better pay and conditions. However, it was his role in the squatting movement that seems to have triggered the interest of the SDS. Squatting was a response to the lack of affordable housing, especially for young people, but was also a way of trying to establish a new type of community in the form of communal living. In 1972, Mr Corbyn was instrumental in setting up the Squatters Action Council and the London Squatters Union, and he played a key role in the victory of the Elgin Avenue squatters, all of whom were rehoused by the Greater London Council.
53. In 1982, Mr Corbyn left the IMG and joined the Labour Party, the year before his brother Jeremy was elected as an MP for Islington North. In the 1980s, he was active in the “Fair Fight” campaign to keep down the cost of public transport. In 1986, Mr Corbyn became a Labour councillor in Southwark for four years.
54. Mr Corbyn does not figure in Tranche 1 Phase 1, but he will feature in Tranche 1 Phase 2 due to begin in early 2021. He has been given a file of 53 SDS intelligence reports from 1971 to 1990 and has made a witness statement in response.
55. One of the SDS officers who features in some of the intelligence reports relating to Mr Corbyn is HN338. Although he has died, the Inquiry has ruled that his real name cannot be published as to do so would breach his widow’s article 8 right to respect for private and family life. Oddly, the police claim they do not know what cover name he used. How is this possible? Is there really no record of HN338’s cover name? Or is it being deliberately withheld for some reason?
56. One of the rule 9 questions that Mr Corbyn was asked by the Inquiry was whether he recalled an undercover officer who used the cover name “Alan Nixon” or “Andy Bailey.” The Inquiry has now disclosed a witness statement from HN340 who says he used one of those cover names. But there is no mention of Mr Corbyn in his statement. Why not, given HN340 apparently spied on Mr Corbyn? Was he not asked a rule 9 question about Mr Corbyn? If not, why not?

57. Unsurprisingly, Mr Corbyn has been unable to identify the officers who spied on him because he has not been provided with any witness statements or photographs to assist him. In the circumstances, it is impossible for him to assess what, if any, impact the spying has had on him. He will say more in a further opening statement when he receives the Tranche 1 Phase 2 hearing bundle which will hopefully contain witness statements from some of the officers who spied on him all those years ago.
58. Mr Corbyn endorses the concerns raised in the opening statement to be given by Dave Morris. He sees no justification for the type of spying engaged in by the SDS.

### **Advisory Service for Squatters & Myk Zeitlin**

59. The Advisory Service for Squatters (ASS) is an unpaid collective of workers who have been running a daily legal and practical advice service for squatters and homeless people since 1975. It exists to this day. It grew out of the Family Squatters Advisory Service which was founded in the late 1960s. ASS produces The Squatters Handbook, currently in its 14<sup>th</sup> edition, which has sold in excess of 150,000 copies since first being published in 1976. Over the years, many people have passed through ASS and been involved in one capacity or another.
60. Although squatting in residential property only became illegal on 1 September 2012, this did not stop the SDS and possibly the NPOIU from spying on ASS. The organisation has little idea why and how they were spied on, other than the spying began in 1976. They have only been given two documents so far, one being a survey of the squatting scene by an undercover officer in which all the old prejudices come tumbling out. The SDS annual reports indicate that housing rights groups and tenant associations came onto the SDS radar as early as 1971. In the SDS 1974 annual report, squatting was described as “the nursery of extremists.”
61. ASS has very little to say at this stage, given the absence of relevant disclosure. However, insofar as ASS was penetrated due to the “oblique approach,” they say that this was indefensible, and no such invasion of privacy can be warranted.

62. Myk Zeitlin worked for ASS as a volunteer for many years. He is also a NSCP in his own right. He has no idea who spied on him or ASS.
63. Mr Zeitlin and Jim Paton, another volunteer for ASS for many years, have been granted access to the current hearing bundle as representatives of ASS. Both have been involved in many related campaigns and struggles. But the bundle reveals nothing about them. They endorse the opening statement to be given by Dave Morris.

### **Friends of Freedom Press**

64. Founded in 1886, Freedom Press is the largest anarchist publishing house in the country and the oldest of its kind in the English-speaking world. Its longstanding newspaper, *Freedom*, now online, was set up by Charlotte Wilson and Peter Kropotkin and printed at the offices of the Socialist League with the blessing of William Morris. This was just a few years after Special Branch was founded in 1883, and the anarchists soon found themselves under surveillance. During the First and Second World Wars, the premises of *Freedom* were constantly raided by the police, and anarchists involved were imprisoned. From 1969, the newspaper was produced in a tumbledown, four-story tenement building down Angel Alley in Whitechapel. The then director of *Freedom*, Vero Recchioni, an anarchist of Italian descent, better known as Vernon Richards, created the Friends of Freedom Press (FFP), a limited company responsible for the building, while the day to day running of the bookshop and the building was done by the Freedom Collective. Several other groups were also housed in the same premises, including ASS, which no doubt made them a target of the SDS. The building was firebombed by fascists in March 1993. The FFP are keen to know if intelligence about this attack was gathered by any SDS officer infiltrating the fascist group responsible and, if so, whether it could have been prevented.
65. The FFP was granted core participant status when it was discovered that Roger Pearce (an SDS spy who used the cover name “Roger Thorley”) had been working in their midst between 1979 and 1984. Roger Pearce went on to become the head of the SDS and later the Commander of Special Branch itself.

66. It came as no surprise to the FFP that they had been spied on. It is now apparent, from the current hearing bundle, that anarchists were seen by the SDS as a primary target from the outset. HN326 (who used the cover name “Doug Edwards”) was told by his bosses to infiltrate anarchist groups and, consequently, attended meetings of the West Ham Anarchists and Freedom Press. It was not until 1974 that the Freedom Collective featured as a target in an SDS annual report. Many other targets remain secret some 45 years later, their names having been redacted by the police, MI5 or the Inquiry.
67. The FFP have had disclosure of 11 SDS intelligence reports from 1974 to 1977. However, they have not yet been asked to provide a witness statement. What is apparent from the limited disclosure they have is that privacy redactions have been applied, making it impossible to approach anybody for their recollections. Most of the redacted names are probably known to the current directors of FFP, and it is imperative, if the FFP are to be able to say anything useful in a witness statement, that these names are disclosed to them.
68. On a sadder note, Donald Rooum, life-long anarchist and cartoonist, who attended meetings with the Chairman and was keen to be engaged in the Inquiry, simply had to wait too long. He died last year at the age of 83. He knew all the people around Freedom Press from the 1960s onwards. It shows how delay has led to potential witnesses dying, unable to give evidence and unable to assist the Inquiry in getting to the truth.
69. The FFP will have more to say in later tranches and phases.

### **Norman Blair**

70. Norman Blair has been a yoga teacher for the last 20 years. Prior to this, he worked for Hackney Council as a Housing Benefit Advisor and was a union shop steward. He has been a political, social and environmental activist since the early 1980s when he joined London Greenpeace. He met undercover officers Bob Lambert (HN10) and John Dines (HN5). MI5 no doubt has a thick file on him.
71. At the G8 anti-globalisation protests in Genoa in 2001, Mr Blair was badly assaulted by Italian riot police. With others, he cooperated with the Italian prosecutor’s office to

convict senior police officers of this assault. It was during this protest that the police shot and killed Carlo Giuliani, injured scores and attacked demonstrators with armoured cars and tear gas.

72. Mr Blair has yet to receive any disclosure about the spying on him. He endorses the opening statement to be given by Dave Morris.
73. Mr Blair believes that the SDS officers on the ground who he came across in the 1980s and 1990s were out of control and had been tasked to raise the stakes by those higher up the chain of command. They tried to incite criminal offending. They were unafraid of assaulting others. They were experts at instigating division in political groups, in order to try and render them ineffective. They had become increasingly proactive and engaged as *agents provocateurs*, almost certainly to prove their worth to their superiors and political masters, thereby perpetuating the myth that the intelligence they provided had real value. Mr Blair hopes these themes will be explored during the evidence to be given in Tranches 2 and 3 that cover the period after 1982.
74. In fact, almost all the groups that undercover officers infiltrated had in them ordinary (and extraordinary) people who wanted to make a difference and had the best of intentions. This meant protesting and campaigning for change. This is how society evolves for the better, with people struggling for their rights.

#### **Audrey, Nathan and Richard Adams**

75. In 1991, the Adams family had been settled in their own house in Abbey Wood, south-east London for five years. Richard Adams worked as a station supervisor at Blackfriars Station. Audrey Adams was a pensions manager at the London Borough of Lewisham. When Richard and Audrey Adams were at work, it was Rolan, aged 15, their oldest child, who took responsibility for his younger brother and sister, Nathan, aged 14, and Lauren, aged 6. Rolan took Lauren to school and picked her up after to take her home, feed her and start her on her homework, until their parents arrived home.
76. Rolan was a studious young man about to take his GCSEs. He was a talented footballer who had been scouted by West Ham United. He was also a talented musician. Music

was his passion. Rolan built a music studio in his bedroom. He performed live and wrote scores of songs which remain unpublished.

77. Nathan was academically gifted. He was a footballer too. In 1990, he signed a lucrative apprenticeship with Wimbledon FC who were then a top-flight team.
78. On 21<sup>st</sup> February 1991, Rolan and Nathan played table tennis at a youth club in nearby Thamesmead. They left the club and waited at the bus stop to go home. A gang of about 12 to 15 white youths saw them and chased them, some shouting racist abuse. Almost immediately, Rolan was fatally stabbed in the throat with a butterfly knife. He started to run, shouting to Nathan to run also. That is how they became separated. Nathan was chased around Thamesmead but managed to escape. When he returned to the scene, he found his brother dying.
79. Rolan and Nathan were not the first Black boys to be brutally attacked in the area. Several others had been hospitalised in the months leading up to Rolan's tragic murder. The substantial increase in racist attacks in the area had begun when the British National Party (BNP) moved its headquarters to nearby Welling in 1989. The attack on the brothers and Rolan's murder brought to a head simmering racial tensions and violence.
80. The brothers' attackers were among those who had been regularly terrorising the local Black community. Some called themselves the Nazi Turn Outs. Richard and Audrey Adams believe that had the police effectively policed these earlier attacks, they might have prevented the attack on their sons.
81. As it was, the attackers were already known to the police, so it was easy for the police to identify and arrest them. However, most of them were bailed and continued to cause problems.
82. From the outset, neither the police nor the CPS would accept that Rolan's murder was racially motivated. They deracialised the crime and mischaracterised it as a fight over territory. This has been an age-old problem that victims of racist crime have had to endure, namely a refusal by the police and other public authorities to recognise the

racist motives and intentions of perpetrators. The police branded Rolan and Nathan with the racist stereotype that Black boys cannot be innocent.

83. Nathan was ill-treated by the police. Although he too was attacked, nobody was ever prosecuted for assaulting him. Within weeks of Rolan's murder and for the first time in his life, Nathan started getting harassed and criminalised by the police. He was regularly stopped and searched in the street. He was detained and charged. He was told that he was banned from going to Thamesmead.
84. Of the white youths arrested for Rolan's murder, only Mark Thornborrow was charged with murder. He stood trial and was convicted. Despite the prosecution deracialising Rolan's murder at trial, the sentencing judge summed up the case on the basis that the murder was racially motivated and sentenced Mark Thornborrow accordingly. This was the first official recognition by the state that the murder of Rolan Adams was a racist attack.
85. Given the willingness of the police and the CPS to use the principles of joint enterprise to prosecute as many members of a group as possible on the basis that they are accessories who assisted or encouraged violence, why did such willingness dissipate when it came to the prosecution of these racists? The failure to prosecute any of the other attackers with murder was indefensible.
86. After Rolan's murder and in the face of a lack of support from the police and the local authority, Richard and Audrey Adams, together with relatives and friends, formed the Rolan Adams Family Campaign to secure justice for Rolan. Over the years, the Family Campaign grew, reaching out to other victims of racist violence and racism. It also played an integral part in efforts to shut down the BNP's headquarters in Welling. Maybe Mark Thornborrow's trial judge learnt something about the true nature of Rolan's murder from the Family Campaign.
87. The police were hostile to the Family Campaign. For months after Rolan's murder, the police stopped friends and relatives who came to visit the family. The Adams ask the Inquiry to explain why they were stopped and how the police knew who they were.

88. Meanwhile the Adams were receiving threatening telephone calls with some callers gloating about Rolan's murder. They were getting harassed, as were their friends and relatives.
89. So bad was the harassment and so absent was any police protection that the Adams were advised by the local authority and the local Commission for Racial Equality that they were in danger. They were told to leave their home that night. This they did, just three months after Rolan's murder and while the family were still in dreadful shock and mourning. The Adams ask the Inquiry to consider whether, if the undercover police activity had been focussed on the white racists and not themselves, the family could have been kept safe.
90. It was the most terrible time for all the family.
91. Nathan Adams says:
- “I was broken by the attack, the police and the trial. I was a mess, destitute, at war with the world. I was a child. It makes how I was treated even more unacceptable. I withdrew from society. I became paranoid, looking for exits when I went inside, and checking out if there were any instruments that I could use to defend myself if I were attacked. I wore loose clothing, so my movements were not restricted. I would not let people hug me. I came to understand that being a victim did not mean I was treated fairly. Instead it had put my life in jeopardy. It brought to light how everyone was not treated equally. Being murdered did not mean Rolan's name was treated with respect.”
92. Nathan lost his apprenticeship with Wimbledon FC.
93. When granting the Adams core participant status, the Inquiry indicated that there was mention in the SDS intelligence files of infiltrated groups allegedly trying to exploit the Family Campaign for their own purposes and mention of the Family Campaign and the issues it was raising featuring prominently in the regular protests in the early 1990s outside the BNP headquarters in Welling. That is all the Adams have been told so far.

94. In the nearly 30 years since Rolan was murdered by racists on the streets of London, the pain, grief and anger that the Adams feel have not diminished. They are angry that only one of Rolan's killers was prosecuted and convicted of murder, with four others given community service for minor public order offences. They are angry at the culture of denial that has seen Rolan's racist murder largely airbrushed from history. They are angry about today's knife crime crisis that they believe is a manifestation of the police targeting of Black youths in the aftermath of increasing racist violence in the 1980s and 1990s. They feel let down by the police, the justice system and politicians. The delay in the Inquiry starting and the failure to provide them with any disclosure enhance their anger.
95. They believe that if the police had taken decisive action following Rolan's murder to tackle racist violence in the area, if the police had turned their intelligence gathering away from them and onto the racists, it is possible that the police could have prevented other racist attacks and murders in the area. They ask whether, for instance, the life of Rohit Duggal murdered in a racist attack in July 1992, could have been saved. They ask whether, for instance, the racist attack on Duwayne Brooks and the racist murder of Stephen Lawrence in April 1993, which happened in very similar circumstances just a few miles away, could have been prevented.
96. And whilst they note that there have been some advances since the 1990s, and racism is taken more seriously in some circles now than it was then, they believe that institutional racism remains endemic in our society and that there remains a toxic culture of racism, one that is more covert and sophisticated than it was 30 years ago. It is a culture that is even more ominous when it is the culture of those who have power over us, such as the police, operating undercover and hidden from public scrutiny.
97. Richard and Audrey Adams demand an explanation as to why the police spied on their family, given they were parents who had lost a child and were law-abiding citizens who simply wanted justice for their murdered son. They question whether the police would spy on a white family in similar circumstances. Any Inquiry worth having will answer that question.
98. Richard Adams says:

“The backdrop at the time was rising racist attacks and murders. Contrast this with increasing arrests and convictions of young Black men. It was really, really frightening and disturbing for Black parents. Every time the phone rang, we feared the worst. Is it death or is it prison for Nathan? Who was protecting our young Black boys? We had to try our best to keep my surviving son, and all the other Black boys and girls who were affected, safe, owing to the lack of police protection. And to think we were the ones who were subjected to undercover police surveillance. Who could have sanctioned such an unjustifiable travesty?”

99. The Adams are concerned that the Inquiry Chairman will not be assisted by a diverse panel during his determination of the facts. They are worried that the role of racism in undercover policing will remain hidden.

100. Nathan Adams says:

“Learning that I had been spied on made me a bit sane again. It closed a chapter in my life as to my thought processes. Before I had had that sense that something was not right. It had made me paranoid. It was surreal. I am 44 now. The delay of 30 years before telling me confirmed that no one cared about Rolan’s name, my family or me, nor what the effect might have been on us.

I want the Inquiry to get to the truth, to be transparent and to hold people in high places accountable. I feel that the Inquiry is not interested in the truth and seems to be more about damage limitation. The further delay by the Inquiry in giving us information at all about the spying is downright rude. Its processes disregard our human rights. There is no real reason for not live streaming the evidence, so we can see and hear it. It seems they just want to remain in control. They just don’t care how it looks.”

101. Richard and Audrey Adams would like to add that they have long believed that they were spied on. Over the years, they have taken steps to limit the intrusion. For example, they stopped using the landlines they thought were bugged. They had nothing to hide. But they had their privacy to protect. When they raised the matter with several agencies, they were made to feel as if they were paranoid and stupid. Confirmation of their fears leads them to ask on whose side is the criminal justice system.

102. Ultimately, the treatment of Audrey, Nathan and Richard Adams by the police and the prosecuting authorities is emblematic of how our criminal justice system can risk

dehumanising Black people and Black families. That it should include undercover surveillance of the family of a boy murdered in a racist attack heightens the urgency of a thorough and open-minded Inquiry.

### **Mr Duwayne Brooks OBE**

103. In 1993, Duwayne Brooks was 18 years old. He lived in Charlton, south-east London. He was at college, training to be an electrical engineer. The police had not featured in his life. Stephen Lawrence was his close friend.
104. On the night of 22 April, the two Black teenagers were waiting at a bus stop in Eltham when they were attacked by a group of white youths shouting racist abuse. Stephen was murdered. Duwayne suffered post-traumatic stress disorder for the following decade. He is now 46. The trauma shapes his life even today.
105. Duwayne told the police about the racist abuse. The police were so hostile about it that Duwayne felt the police were “playing Jedi mind tricks” on him. Scared and alone, Duwayne had the courage to stick to the truth. It is his courage that enabled the racist nature of the attack to be exposed.
106. It is chilling how the experience of Duwayne Brooks and his treatment by the police mirror the earlier experience of Nathan Adams and his treatment by the police. Both were Black boys from south-east London. Both were the surviving victims of murderous attacks. Both were harassed by police officers who sought to undermine their accounts. Both suffered severe trauma that was ignored by the police. Both were racially stereotyped by the police. Both were treated like criminal suspects, not victims of crime, with no charges ever brought in relation to the racist attacks on them. Both were victims of institutional racism that permeated the police. Both were subjects of undercover policing.
107. Despite his treatment by the police, Mr Brooks has done everything that was asked of him. He has assisted three separate police investigations. He made at least nine statements during the first investigation alone and attended three identification parades and various drive arounds. During the private prosecution in 1996, he gave evidence as

requested, despite being medically unfit to do so. He was taken into a scary form of witness protection, guarded by a police officer linked to the family of one of the suspects. During the 2011 trial of Gary Dobson and David Norris, Mr Brooks gave evidence, despite the death of his father the night before. The two men were convicted.

108. Mr Brooks has been equally committed to exposing racism and corruption in the police. Amongst others, he has assisted the Macpherson Inquiry, the Independent Police Complaints Commission (IPCC), the Independent Office for Police Conduct (IOPC), Operation Herne and the Ellison Review. Largely hidden from the limelight and always self-effacing in demeanour, Mr Brooks continues to be dedicated to the pursuit of the truth.
109. Despite this, or maybe because of this, Mr Brooks has been subjected to shocking levels of police harassment and covert surveillance, as revealed by the Ellison Review. For instance, Mr Brooks has been told that Peter Francis targeted him in order to try and discredit him. Deputy Assistant Commissioner John Grieve of the Metropolitan Police has admitted covertly recording a meeting with him and his solicitor, Jane Deighton, in May 2000. This was one of a series of meetings requested by the police in order to brief Mr Brooks about the current state of the investigation into Stephen Lawrence's murder, a meeting that took place during the post-Macpherson era when the police were supposed to have learned lessons from the past.
110. Mr Brooks argued for and welcomed the Inquiry and the discussions he had with the then Home Secretary and the Inquiry team in the build up to its opening. Since then, he has become increasingly despondent but currently remains prepared to stay involved. His continued participation is all the more praiseworthy, given the treatment he and other NSCPs have had at the hands of the Inquiry. Firstly, Mr Brooks has received no disclosure from the Inquiry. Secondly, Mr Brooks, along with all the other NSCPs bar one, is being denied live streaming of the evidence. Unless they can attend the Inquiry venue, they are being deprived of the opportunity to see and hear the evidence and participate effectively. Thirdly, the Inquiry Chairman sits alone during the evidence, without a diverse panel to assist him.

111. As far as the Inquiry itself is concerned, I can be brief about Mr Brooks' position. It is simple. When Mr Brooks is provided with full disclosure about the undercover policing against him, he will address it. But not until then. He is the first to accept that he has, as a result of a long struggle, received some information about the spying on him from the Metropolitan Police and others. He has more than most. But he has received nothing from the Inquiry, and there is a lot more to come.
112. What Mr Brooks is not prepared to do is be treated like a suspect all over again, giving yet another account, answering the Inquiry's questions in advance, as if the burden is on him to establish that there was no good reason for the police spying on him.

### **Ken Livingstone**

113. Ken Livingstone is best known for being the leader of the Greater London Council (GLC) from 1981 until its abolition by Margaret Thatcher in 1986, the Member of Parliament for Brent East from 1987 to 2001 and the first elected Mayor of London from 2000 to 2008. However, he has been politically active since late 1960s.
114. In his memoirs *You Can't Say That*, Mr Livingstone describes himself throughout 1968 as "an observer glued to the TV, hoping that a new politics would be born." By the end of the year, he had decided to join the system and change it from within. Against a backdrop of protests and anti-immigrant rhetoric – including Enoch Powell's "Rivers of Blood" speech – Mr Livingstone took the leap and joined the Labour Party in 1969, a move he called "a rare example of a rat boarding a sinking ship."
115. Within months, Mr Livingstone was elected to various positions within his local Labour Party branch in Norwood. Initially, his primary focus was on the housing crisis in Lambeth. In 1973, he was elected for Norwood to the GLC. In 1977, he was elected for Hackney North and Stoke Newington to the GLC.
116. Mr Livingstone has received a miniscule amount of disclosure from the Inquiry. It is not clear from the material disclosed why the police and MI5 started spying on Mr Livingstone. It appears to have started in the 1970s. It may have been because of Mr

Livingstone's involvement on the left of the Labour Party or his involvement in campaigning for British troops to get out of Northern Ireland.

117. In 1981, Mr Livingstone was elected for Paddington to the GLC as the Labour Party took control of the GLC. Within 24 hours, Mr Livingstone was elected leader, a position he retained until the abolition of the GLC in 1986.
118. From the moment he was elected GLC leader, Mr Livingstone was subjected to relentless abuse and vilification by the press and the Thatcher government. Fears began to mount for his safety. It was Special Branch that warned the head of security at the GLC that extremist groups were monitoring Mr Livingstone's movements, albeit they said that they could not provide him with protection. Despite the threats to his life, Mr Livingstone continued to raise issues around racism, sexism, homophobia, Ireland and Palestine. On Ireland, Mr Livingstone insisted that there could never be peace in Northern Ireland without a negotiated settlement with Irish Republicans. When he went to Belfast in 1983 and met Gerry Adams of Sinn Fein, he was denounced by the press and the Tory government as an enemy of the people. But history has proven him right, although it was not until April 1998 that the Good Friday Agreement was reached.
119. After the Tory government abolished the GLC, Mr Livingstone was selected as the Labour parliamentary candidate for Brent East and was duly elected in the 1987 general election. He found the atmosphere in parliament uncomfortable, labelling it "absolutely tribal" and asserting that "it's like working in the National History Museum, except not all the exhibits are stuffed."
120. In his maiden speech, Mr Livingstone used parliamentary privilege to highlight the allegations of a former MI6 operative in Northern Ireland that there had been MI5 collusion with Ulster loyalist paramilitaries. Soon after he received a visit from Special Branch. He was told that extremist groups were monitoring his whereabouts, and he was advised to vary his pattern of travel. Years later, after being elected Mayor of London, it was made public that an Ulster Defence Association (UDA) assassin had followed him, but the shooting was cancelled at the last minute. In his memoirs, Mr Livingstone writes about meeting Sir John Stevens, the Metropolitan Police Commissioner, and getting the distinct impression that a British agent on the UDA army

council had talked them out of it. Mr Livingstone adds that when he met MI5 boss Eliza Manningham-Buller, he said he would like to buy the agent concerned a meal, but she never got back to him.

121. This is an example of legitimate and necessary undercover policing by a security service operative, namely the infiltration of the UDA, a proscribed terrorist organisation, that was engaged in serious and violent organised crime.
122. Mr Livingstone remained an MP until 2001. Many years later, in 2015, Peter Francis, the former SDS undercover officer turned whistleblower, publicly revealed that the police had conducted spying operations on a string of elected Labour politicians during the 1990s, including Mr Livingstone. Peter Hain, another former MP and NSCP, raised the matter in the House of Commons.
123. This raises fundamental questions about parliamentary sovereignty and privilege, principles that are vital to our democracy. It is unconscionable that the secret state spies on elected politicians representing the will of the people. It endangers the liberty of us all.
124. When asked for his views, Mr Livingstone had this to say:

“Did they think we were a threat to the western system? What’s so ridiculous is that we were being subjected to IRA bombings right the way through that period and they were wasting officers spying on me and Tony Benn. It’s a complete waste of police resources. People like me and Tony Benn were never a threat to capitalism because we never had the powers and always opposed violence. I’d love to see the files. My kids would love to see the files. I hope they get around to releasing them before I die.”

125. In 2000, Mr Livingstone was elected Mayor of London as an independent candidate. He introduced the congestion charge, the Oyster card and free bus and tube travel for 11 to 18-year-olds. In 2004, he was re-elected, this time as the Labour candidate. He was Mayor at the time of the 7 July 2005 bombings. His handling of the situation was widely praised. He also oversaw London’s successful bid for the 2012 Olympics.

126. As Mayor of London, Mr Livingstone had oversight over the Metropolitan Police. We have yet to receive any disclosure from the Inquiry to indicate whether Mr Livingstone was spied on whilst Mayor. Neither of the Metropolitan Police Commissioners whom Mr Livingstone met regularly during his eight years as Mayor let him know. If he was being spied on during this period, this raises yet another set of constitutional questions. Mr Livingstone hopes the Inquiry will provide the answers.
127. Mr Livingstone has been a public political figure for more than 50 years. He has never had anything to hide. His views on a range of issues are well-known and have always been stated in public. He has no doubt that it was his activism and his position on the left that led to him being targeted by the secret state. He is convinced that his phone was being bugged when he was leader of the GLC. He cannot see any justification for any spying on him by the state, either before or after he was elected to public office. He believes that the threat of serious violence or other serious crime – a threat he did not pose to anybody – is the only justification for that kind of invasive scrutiny.

### **A Guardian of the Status Quo?**

128. The Special Demonstration Squad was a weapon in the arsenal of the British state from 1968 to 2008 when it was disbanded (although other units have continued to engage in secret political policing ever since). Its objective was to prevent positive social change, keep people in their place and allow the established order to thrive. The victims were not just those spied on, some of whom had their lives ripped apart by the consequences. The victims include all of us who want to see a more open and fair society.
129. The NSCPs are here to try and shine a light, to let the world see into the dark den of secret police, spooks and spies, although they know that most of this world will remain hidden forever. They hope their participation in the Inquiry will have some value and will allow people to discover at least some of the truth.

130. In 1962, Martin Luther King Jr made a speech in which he stated that “the guardians of the status quo are always on hand with their oxygen tents to keep the old order alive.” We trust that the Inquiry will not prove to be such a guardian.

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**25<sup>th</sup> October 2020**