

UK: Metropolitan Police demand Pitchford Inquiry take evidence in secret

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The Metropolitan Police Service (MPS) has submitted a demand to the Pitchford Inquiry into undercover policing that significant parts of its proceedings be held in camera, with no participation by the public.

The five barristers hired by the MPS argued that “the fact of, or details of an undercover police deployment” cannot be disclosed in open sessions of the inquiry. They wrote that anything that could make it possible to expose the identity of an undercover officer must be kept secret.

The government was forced to establish the inquiry, headed by senior judge Sir Christopher Pitchford, in July 2015. Its remit is to “review practices in the use of undercover policing, establishing justice for the families and victims and making recommendations for future operations and police practice.” This was after it was revealed that undercover police officers infiltrated their way into hundreds of political groups since 1968, using a wide range of deceptive techniques. These included using the names of dead children, forming long-term relationships and even fathering children to unsuspecting women as part of building their cover story, then later disappearing without warning.

In December 2015, the Metropolitan Police were forced to pay millions in compensation to victims of crimes committed by undercover police officers.

The legal submission by the MPS states they wanted it to be clear “at the outset” that it would be “applying for much of the detail of past or current deployments” to be presented to a closed, secret session of the inquiry.

The MPS resorted to Orwellian logic by claiming that a public inquiry need not be held in public. “The question arises, if there are significant closed parts of a public inquiry, is it a public inquiry at all? The

Metropolitan police submits the answer to that question is yes.”

They claim that the inquiry could perform its task “where even large parts of the evidence considered by the inquiry chairman are not disseminated.”

In 2015, a report was produced by Mark Ellison QC and Alison Morgan of the “Historic Police Misconduct and Investigations Unit” for use by the attorney general, the principal legal officer representing the Crown in legal proceedings and who gives legal advice to the government. This report was referenced in a ministerial statement announcing the establishment of the Pitchford Inquiry.

The report revealed that “the SDS [Special Demonstration Squad, the body responsible for undercover policing from 1968 to 1999—when it was renamed] were successful and managed on many occasions to engineer their field officers into key positions within target groups.”

It notes that this became the main goal of the SDS, although “when it suited the SDS management, they would offer the by-product of tactical intelligence as a key indicator of their success.” [Review of Possible Miscarriages of Justice: Impact of Undisclosed Undercover Police Activity on the Safety of Convictions]

Confirming that undercover police were involved in provocations and entrapment, the report continues, “It follows that the material currently available confirms an almost universal practice of SDS secrecy. That is, withholding undercover intelligence, reporting and activity from investigating officers and prosecutors, even when (as it must have sometimes done) it touched on the activists who were arrested and prosecuted...”

In 2011, a former undercover police officer, Mark Kennedy, offered to aid in the defence of six

environmental campaigners from a group he had previously infiltrated, leading to the collapse of the trial they were involved in. In 2015, lawyers acting for the Home Office claimed to have discovered more than 80 possible miscarriages of justice bound up with undercover policing, in addition to 57 convictions that had been quashed due to the role undercover officers had played.

The MPS uses arguments on the need for secrecy and hiding identities that were previously exercised in the run-up to the Bloody Sunday inquiry.

The MPS submission is meant to ensure that the inquiry rides roughshod over the basic democratic rights of the Pitchford Inquiry's "core participants", who have been the victims of police spying. A letter sent to the inquiry on February 8 by 133 of the core participants demanded the inquiry revealed "a list of names of all the organisations about whom intelligence was gathered; the cover names (not the real identities) of the individual officers responsible for infiltrating and reporting on activists and campaigns; and the individual Special Branch reports for each Core Participant group or individual."

The letter makes the important point that many people who were spied upon cannot take part in the inquiry, because they are not currently aware of the spying having taken place.

There can be no doubt that the MPS are continuing their secret operations against oppositional political and activist groups. This is clear from their submission, in which they state that any lessening of their secrecy would impinge on undercover operations.

Helen Steel was the target of an undercover police operation before and during the McLibel trial, in which she was one of the two defendants. She is now a core participant in the Pitchford Inquiry. She said in response to the MPS submission, "Why should those who committed the abuses be protected above those who suffered the abuses?"

On an earlier occasion in 2015 Steel said, "These undercover policing units have committed grievous human rights abuses which are absolutely shocking in a supposedly democratic society. We want to make sure they don't happen again to anybody else, and for that to happen we need the full truth to emerge."

The decision on whether police officers give evidence in secret will be taken by Sir Christopher Pitchford. At

the outset of the inquiry, he declared his willingness to make parts of it private if he deemed it be in the "national interest."

In his opening remarks to the inquiry last July, he said, "This is a public inquiry to which, as the name implies, the public will have access. I will therefore start with the presumption that witnesses should give evidence in public. However, the subject matter of the Inquiry means that there may be circumstances, *such as the national interest*, continuing police investigations or the rights of individual witnesses that require *me to make an order under section 19 of the Inquiries Act 2005 restricting attendance at the Inquiry or restricting the disclosure or publication of evidence*" (emphasis added).

In a hearing scheduled for March 22/23, Pitchford will consider what legal approach he will take towards granting applications to keep information secret.

Working people must demand access to all these state secrets. The Socialist Equality Party's Open Letter to the Pitchford Inquiry demands "the immediate release of the names of all undercover police operatives, especially those active in the Workers Revolutionary Party (and its forerunners and successor organisations), their pseudonyms and dates of operation."



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