

Dear Amber Rudd,

Undercover Policing Public Inquiry · Lack of confidence in Chairman

We wrote to you on 19th September 2017 regarding our concerns with the progress and direction of the Public Inquiry into Undercover Policing and in particular the appointment of Sir John Mitting as Inquiry chair. We outlined our serious concerns that the Inquiry had taken a marked shift towards secrecy since his appointment and that as a member of a men-only club which has consistently voted to exclude women from membership, he is not an appropriate person to be tasked with investigating the institutional sexism which led to us being deceived into long term intimate relationships with undercover policemen.

You finally replied with an undated letter emailed on 12th January 2018, stating effectively that all our concerns were a matter for the Inquiry and we should take them up with the judge. Alongside other core participants in the Inquiry, we have repeatedly raised our concerns with Sir John Mitting. He, however, has continued to make statements which demonstrate a lack of awareness of sexism, how it operates, how it functions to disadvantage women and how institutions such as the police and judiciary have collectively been responsible for discrimination against women.

Recent comments by the judge show that he is out of touch with the reality of life in wider society. It is therefore critical that urgent steps are taken to ensure a panel is appointed to the Inquiry which has sufficient expertise and diversity to be able to recognise and challenge sexism, racism and police malpractice.

In recent 'minded to' notes and at the hearing on 5th February 2018, the judge made comments which demonstrate that he is not suited to the task of investigating serious human rights abuses committed by these undercover policing units. For example, in his 'minded to' note relating to HN58, the judge said he did not intend to release HN58's cover name for reasons including 'what is known of his personal and family life make it unlikely that it would be necessary to investigate possible misconduct even if details of his deployment were made public.'

These assumptions were challenged both in our written submissions and in oral submissions at the 5th Feb hearing. In response, the judge stated: 'We have had examples of undercover male officers who have gone through more than one long-term permanent relationship, sometimes simultaneously. There are also officers who have reached a ripe old age who are still married to the same woman that they were married to as a very young man. The experience of life tells one that the latter person is less likely to have engaged in extra marital affairs than the former.'^[1]

In response to audible expressions of disbelief from the public gallery, he stated, 'I may stand accused of being somewhat naive and a little old-fashioned. In which case I own up to both of those things and will take into account what everybody says about it, and I will revisit my own views.'

We note that before their abuses were publicly revealed, similar assumptions would have been made about most of the officers who have been exposed thus far as having engaged in intimate, sexual relationships. Mark Kennedy, for example, was still married to his wife after his deployment ended. It is naive in the extreme, or wilfully ignorant, to assume that an undercover officer who remains married would not have committed any wrongdoing.

If the cover names of officers such as HN58 are not released there is no effective way for someone who may have been deceived to come forward with evidence of wrongdoing. They simply do not know that the relationship was a fake one. They cannot therefore give evidence to the inquiry, and

the officers' assertions that he committed no wrongdoing will simply go untested. This cannot produce an outcome in which either the Home Secretary or the public can have confidence.

Despite the Chairman's indication that he would revisit his own views, in a 'minded to' note published since that hearing, on 7 March 2018 he said 'what I know of the personal circumstances of HN83, then and now, are inconsistent with personal wrongdoing during the deployment.' How then can any of us have faith that he is actually willing to look into the extent of these human rights abuses, or that he has an open mind about whether abuses may have taken place.

These officers were professionally trained to lie. They lied to us convincingly, giving the impression in many cases that they were emotionally distraught and going through some sort of mental breakdown. It is ludicrous to assume that they would not be able to perform a similar act for the purposes of making applications which would prevent their activities from being investigated.

Most police officers give evidence in court in their real names, despite the risk that any accused may then hold a grudge against them. The purpose of creating cover names for undercover officers was to protect their real names, yet even their cover names are being hidden from those participating in the Inquiry. These must be released in order for any proper investigation of these units to take place. Unless all cover names are released, witnesses cannot give evidence about their deployment. If the officers' accounts remain unchallenged, the Inquiry will not uncover the extent of the abuses committed by these units and it will not discover the truth.

At the last hearing, along with most other actively participating non-state core participants, we gave instructions to our lawyers to walk out. This reflected the level of our concern about being prevented from meaningfully participating in the Inquiry and our frustration at the lack of suitable experience of the presiding judge.

We wish to draw your attention to an admission made recently in the case of Kate Wilson pursued in the Investigatory Powers Tribunal. This arises from her relationship with the undercover police officer Mark Kennedy. The amended Defence from the police includes the highly significant admission that Kennedy's cover officers and line managers acquiesced in the sexual relationship between Kennedy and Ms Wilson, which inevitably increases the severity of the Article 3 violation. This is effectively an admission of the state's connivance in 'torture and inhumane and degrading treatment' in respect of the use of a sexual relationship to gather intelligence on those spied on.

We remind you that the Inquiry arose from public concern about the serious human rights abuses committed by these secret political policing units. We reiterate our request for an urgent meeting with you to discuss what steps can be taken to restore public confidence in this Inquiry which was supposed to tackle those abuses. The Inquiry must be transparent and robust if it is to discover the truth. We presume that you, like us, wish to ensure these human rights abuses are not allowed to happen again.

Yours sincerely*,

'Alison'

'Andrea'

Belinda Harvey

Helen Steel

'Jane'

'Jessica'

Kate Wilson

'Lisa'

'Lizzie'

'Monica'

'Naomi'

'Rosa'

'Ruth'

* Names in inverted commas are the pseudonyms by which we are known to the Public Inquiry

Notes:

[1] Transcript of 5 Feb 2018 hearing p.78.