

We write following a meeting on 26th March 2017 attended by around 40 non-state, non-police core participants (NSPCPs) in the public inquiry, where we discussed some of our concerns relating to the progress of the inquiry. We had very little time to discuss and prepare this letter, and we cannot claim to speak for all CPs. However, those present at the meeting unanimously agreed to the issues raised here. The Inquiry granted permission for additional submissions arising from our meeting to be made by Tuesday 28th. The short turnaround time means we are unable to find counsel to represent us for this, so we are making the submissions ourselves.

We would like to make it clear that this letter is not intended to contradict the submissions already made, and that as core participants in the inquiry we are united in our view of the goals of this inquiry process. However, we do have some differences of opinion as to how to best reach those goals in the face of the already lengthy delays caused by the police who, it should be remembered, are the ones under investigation, and we feel it is important to stress the power asymmetries at work here.

The matters under investigation by the Inquiry involve serious human rights abuses, miscarriages of justice and criminal offences by police. In no other investigation process is so much control of the evidence and the proceedings left in the hands of those being investigated. It is clear from the conduct of the police so far that they have no sense of urgency about the Inquiry being able to properly conduct its investigations and that they have sought to prevent the victims of their abuses from finding out the truth. This creates a very real risk of compounding the harm and distress of those of us who suffered at their hands and who so urgently need to find truth and closure. There is also a very real risk that many of the older targets of undercover abuses may not live to learn the full truth of what happened to them. The police cannot and should not be permitted to control the Inquiry in this way.

Our additional submissions are focussed on two areas:

1. The release of information relating to the abuses committed by political undercover policing units
2. The need for proper representation of those who were subjected to human rights abuses committed by political policing units

## **1. The release of information relating to the abuses committed by political undercover policing units**

On 1st February 2016, 133 NSPCPs wrote to the Inquiry to express our collective view that a fundamental requirement for the Inquiry's success is to disclose, as soon as possible, a list of all the organisations targeted; 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 files for each Core Participant group or individual. We attach a copy of this letter.

Over a year on these remain issues of outstanding importance upon which we are overwhelmingly agreed. They represent the views of all the NSPCPs who attended the meeting and/or who we have been able to speak to. As well as wanting the Inquiry to investigate the abuses committed by the police, we also seek personal understanding of abuses we were subjected to by the police; this is something we need before we can begin to obtain closure on what were, for many of us, traumatic events in our lives. We submit that these three areas of disclosure need to be made without further delay.

As set out in earlier submissions, the release of the names of the groups spied on and the release of individual files allows people to begin to understand how and why their rights were intruded on by the police and allows them to identify to the Inquiry particular areas of concern for further investigation.

In relation to the release of the cover names, we note that since the time of writing the attached letter, only seven cover names have been confirmed by the Inquiry, all of which were already in the public domain, mostly revealed as a result of our actions and investigations. We are angry and frustrated by this lack of progress. We particularly note that the police applications for restrictions in this process cover the entirety of these political policing units, despite some infiltration cases being nearly 50 years old. It is unrealistic to suggest that there is a risk of anything other than embarrassment arising from the release of cover names from so long ago, and we believe this demonstrates that avoiding further revelations of human rights abuses is the real reason why these names are not being released. This defeats the purpose of the Inquiry and it is contrary to the principles of justice and accountability.

The continued delay not only compounds the injustice and distress of those who have suffered at the hands of undercover policing, but also reproduces and underlines the huge

power imbalance between us and the police, as the process so far has been dominated, and the agenda set, not by us, but by the very institutions which carried out these abuses.

We note that cover names are frequently released during criminal court cases involving undercover officers, even in cases where there would clearly be serious risks to the officers concerned if their real identity was discovered. We believe the police have had ample time to provide detailed reasons why the cover names of officers should not be released forthwith, and have failed to do so. Given this, we submit that the Inquiry could safely and reasonably rule that the list of all cover names of officers in the SDS, NPOIU & other political policing units will be released by default within one month of the 5th April hearing. Individual officers could be written to by the Inquiry and advised that the cover names will be released by default unless compelling and unusual reasons are put forward for specific identities to remain hidden. The officers should be advised that these will be the exception rather than the rule, but also that the issue of anonymity orders in respect of real names and personal details will be dealt with under a separate timetable.

The Inquiry has powers to enforce compliance from these institutions. After nearly two years of delay, these powers have not been invoked; we submit that now is the time to do so.

We absolutely share the inquiry's frustration that we are still waiting for progress on the anonymity applications. The police have so far done nothing to advance this process, and are now proposing that the inquiry be further limited and curtailed. We reject the police calls to restrict the scope of the Inquiry and submit that the police's failure to comply with the inquiry's requests, rules and deadlines, should result in maximum sanctions being invoked.

## **2. The need for proper representation of those who were subjected to human rights abuses committed by political policing units**

We have fundamental concerns with the process so far regarding legal representation for non-state core participants, which we submit is undermining our ability to properly respond to Inquiry rulings, hearings, and calls for submissions and is causing significant stress to those already harmed by state abuses. We seek and propose immediate changes to the arrangements for our legal representation at the Inquiry.

Specifically:

1. There should be automatic funding for additional barristers to be chosen by NSPCPs where divergent views emerge in relation to preliminary issues, without the requirement of a separate process setting out details of the divergence to the Inquiry;
2. Reasonable travel costs should be reimbursed for CPs in relation to the process of making submissions and other Inquiry processes;
3. All the solicitors of NSPCPs should be funded to attend preliminary PI hearings which affect their clients, rather than forcing CPs to go through one solicitor who they may never even have met before and who is not aware of the details of their case.

We urge the Chairman to consider the practical difficulties and the implications of requiring nearly 200 geographically dispersed NSPCPs from a wide diversity of political and campaign backgrounds and with differing experiences of police infiltration to reach consensus in a period of just three weeks. This process has resulted in considerable stress and distress for those who want to actively engage in a process which deeply affects their lives. It has also meant it was simply impossible for others to do so.

Unlike the massive state apparatus we are facing, we have very limited resources and many other demands on our time. While all of those on the police teams are being paid to work on preparation of documents and submissions, that is not true for non-state CPs. We are required to read and comment on submissions in our spare time, after work and/or juggled around childcare responsibilities and other commitments. Most of the documents are lengthy and take time to understand. By the time we have read them and got back to our lawyers, often a new version has been proposed. There is rarely time to consider and discuss the differences between the two and which version of the wording might more accurately represent our views. If we need to meet our lawyers or other CPs to discuss the submissions, we have to pay travel costs to do so (on top of significant printing costs we already pay). We therefore have no time or opportunity to meet with others, digest the documents and discuss and reflect on ours and other people's concerns in order to reach the desired consensus.

Sometimes there are polarised views which might be reconciled with further discussion and time, but time runs out, resulting in some people feeling shut out of having their concerns raised with the Inquiry. This is compounded by the fact that at the hearing itself, our own solicitors who, in many cases, have many years experience of the specifics of our cases and the issues involved, are not funded to represent us, and a single barrister and solicitor are

expected to be able to represent all of our interests at once. It is galling to then watch a succession of representatives for the police and the state get up and argue for longer delays and more secrecy. We submit that additional funding to allow proper representation of NSPCPs is vital for any semblance of fairness.

The Inquiry should be reminded that all of the shocking revelations about police abuse that led to the creation of this inquiry came from the NSPCPs themselves. Without the tireless work of the groups and individuals who were targets of that abuse, and who have endured many more invasions into our privacy in our fight to uncover the truth, there would simply be no inquiry. There can be no question that the meaningful participation of NSPCPs is vital to the inquiry being able to achieve its goals.

The NSPCPs in this inquiry are overwhelmingly united by our desire for truth and accountability for our shared experiences of abuse at the hands of undercover police units. We are determined that this is a process that we want to face collectively, not as individuals or separated groups. We are prepared to make every effort to reach consensus positions in our submissions, both in the interests of our own unity in the face of the police's attempts to block the inquiry's progress and also to keep down costs to the public purse.

However we are not willing to sacrifice the genuine representation of the diversity of NSPCP experiences to this. We would therefore like to stress that meaningful representation of NSPCPs requires us having sufficient time to be able to participate; the automatic right to instruct additional barristers of our choice, as and when required, in order to avoid our submissions being reduced to a lowest common denominator; and for our own solicitors, who have worked in detail on our cases, to be funded to attend future hearings and represent our interests.

In the absence of the necessary time and funding, these specific additional submissions to the hearing are being made by us directly, highlighting the fact that the current process established for our representation in this inquiry is unfair and unworkable.

Signed:

Carolyn Wilson, "Jane", Kate Wilson, Kim Bryan

*(as organisers of the meeting on 26<sup>th</sup> March 2017, on behalf of those present at that meeting)*