

UK: Victims of state surveillance to take legal action against Undercover Policing Inquiry

By Thomas Scripps
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Three victims of police spying are seeking to bring a legal challenge against the Undercover Policing Inquiry (UPI), in which they are core participants.

The three are John Burke-Monerville, “Jessica” (not her real name) and the family of Jean Charles de Menezes. They explain, “Our fear is that if it continues in its current trajectory that the Undercover Policing Inquiry will be a whitewash.”

Burke-Monerville’s son, Trevor, was held in Stoke Newington police station in 1987, where he is believed to have been beaten, suffering brain damage. A Justice for Trevor campaign was organised, for which he and his family members suffered regular police harassment. Trevor and his brother were later murdered, but those responsible were never found. It was only recently that Burke-Monerville discovered that the justice campaigns for Trevor were put under police surveillance.

“Jessica,” an animal rights activist, discovered last year that a fellow activist with whom she had had a sexual relationship—24-year-old Andy Davey—was, in fact, Andy Coles, a 32-year-old married undercover police officer.

Jean Charles de Menezes was shot dead by police at the age of 27 at Stockwell Underground station in 2005. His cold-blooded murder was justified on the grounds that he had been wrongly identified as one of the men involved in the London terrorist attacks the previous day. Justice campaigns in his name, run by his family, were spied on by undercover police.

The three complainants are trying to Crowdfund £5,000 to get a hearing on their case’s application, and then a further £50,000 to bring the full case to trial.

In a related development, environmental activist Tilly Gifford has challenged the UK government’s refusal to extend the UPI to Scotland—opposing the Scottish National Party’s failure to hold its own inquiry. The verdict on her case is still outstanding.

The UPI was set up in 2014 to investigate the Special Demonstration Squad (SDS), active between 1968 and 2008, and the National Public Order Intelligence Unit (NPOIU),

active between 1999 and 2011. The anti-democratic and morally degraded actions of these units included spying on over 1,000 organisations and campaigns—from animal rights groups to trade unions and socialist parties. They helped blacklist workers, provoked violent actions and their members formed relationships, sometimes sexual, and in at least one case fostered a child, while undercover.

Nearly 200 victims have been named as core participants, though the true numbers affected likely run into the thousands. From the outset, the inquiry did not require the police to reveal their operations and accepted as participants only some of those who already knew themselves to be victims. The SDS alone employed some 201 people over its 40 years of existence.

Four years later, the inquiry has still not formally sat and is still deciding on police demands to submit evidence anonymously and in redacted form. Chairman Sir John Mitting has, with little to no justification, granted roughly 30 percent of SDS police spies full anonymity, repeatedly telling victims that “you are going to be met with a brick wall of silence.” He has indicated that the percentage will be even higher for NPOIU officers.

Peter Francis, a former undercover SDS officer now turned whistleblower and UPI core participant, explained that the “level of redactions accepted by the Inquiry Team is so high, even I am often unable to decipher from whom the applications are made...” He complained, “Even when a risk assessment concludes that risks faced by an individual are ‘low,’ the Inquiry has refused to publish his or her cover name.”

Francis and dozens of other core participants walked out of the anonymity hearings in March and have since boycotted them in protest.

But while the criticisms of the inquiry’s anti-democratic nature by the various parties are accurate, the demands advanced by the new legal challenge are misconceived. They are based on an incorrect political appraisal of the inquiry’s purpose and, more fundamentally, the role of the state and its various arms—including the police and

intelligence agencies—in society.

One demand is that the home secretary “appoint a panel with the skill and diversity required.” Another states, “Our aim is to restore public confidence in the Undercover Policing Inquiry and its ability to get to the truth.”

In Scotland, Gifford is being supported by the Scottish Campaign Opposing Police Surveillance, which seeks to establish a Scottish Inquiry, which can “learn from the mistakes” of its English and Welsh counterpart, i.e., one that “must be led by a panel of experts.”

The March walkout also focused on the need for a diverse expert panel. Phillippa Kaufmann QC, counsel for the victims, said that it must be composed of “individuals who have a proper informed experiential understanding of discrimination, both on grounds of race and sex—two issues that lie absolutely at the heart of this inquiry...” She went on to criticise Mitting as “someone who is both naive and old-fashioned and does not understand the world that [victims] or the police inhabit.”

Contrary to these arguments, the essential problem with the inquiry is not its particular chairman or the racial or sexual identities of its overseers, but its purpose in upholding the interests of the ruling elite. SDS and NPOIU operations were aimed at the wholesale surveillance and sabotage of every organisation that fell outside of a narrow band of state-sanctioned political activity. First formed in the midst of the fierce class struggles of the late 1960s, they were part of the concerted and ongoing repression of workers and youth. The same work is now carried out by the National Domestic Extremism and Disorder Intelligence Unit.

The terms of the inquiry were specifically designed to exclude any investigation of these issues. In 2015, the *World Socialist Web Site* noted in an open letter to Mitting’s predecessor, Lord Pitchford, that hardly any political organisations had been granted core participant status. Pitchford directly refused to investigate police surveillance of the Socialist Equality Party’s predecessors—the Socialist Labour League (SLL) and Workers’ Revolutionary Party (WRP)—despite evidence of police operations against them being publicly available in the testimonies of ex-MI5 agents, and despite the inquiry already listing three individuals who operated as spies in the organisations.

Pitchford refused because the government wanted to divert attention away from the fundamental class interests behind police repression and surveillance. As Lenin explained in his 1917 work *The State and Revolution*, the police are not neutral arbiters of eternal justice. They are essential components of the “special bodies of armed men” that exist to preserve the domination of the ruling class.

These class interests explain the course the inquiry has

taken and will take whatever its composition. Its findings were never intended to reach the truth, let alone hold anyone to account.

Theresa May, then home secretary, announced the inquiry in 2014 only because investigations by activists and journalists were revealing damaging evidence of state surveillance and legal challenges had been launched for compensation. A government-run damage limitation operation was needed to control the fallout, while giving the impression that something was being done for the victims. As a result, anonymous police officers will give private evidence to a bought-and-paid-for judge, who will produce a final report in 2023 at the earliest.

Mitting was selected to perform the service of managing the inquiry in such a way as to cause as little damage to the state as possible. A panel, were it to be granted, would be selected in just the same fashion and composed of people—of any race, gender or experience—deemed suitably subservient to the authorities.

Public inquiries have a long history as the means by which the British ruling elite whitewashes its crimes. After years of cover-ups, including inquests and an inquiry, and bitter opposition from Labour and Tory governments, it took 27 years before an independent panel finally reached a verdict exonerating the 96 people who died in the Hillsborough football disaster of any blame.

The Grenfell fire inquiry has no powers to prosecute anyone under the 2005 Inquiries Act, and any discussion of a “social, economic and political nature” has been ruled out.

The UPI cannot be reformed to be what it is not. An independent workers’ investigation must be organised, alongside a political mobilisation to end all police surveillance and repression of working class communities.

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