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# Judge to rule on whether police spy case should be held in open

Police want case brought by women who had relationships with undercover officers to be held in secretive tribunal



📷 Mark Kennedy, who had relationships with three of the women involved in the lawsuit while working as an undercover police officer. Photograph: Philipp Ebeling

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## **Rob Evans and Paul Lewis**

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A high court judge is due to announce on Thursday morning whether police chiefs have won a controversial case involving undercover spies they infiltrated into political campaigns.

The police are being sued by 10 women who say they were duped into forming long-term, intimate relationships of up to six years with the spies.

In the first round of the legal action, lawyers for the police have been attempting to have the main lawsuit heard in a secretive tribunal rather than in the open at the high court.

In his judgment, Mr Justice Tugendhat is due to reveal whether he has granted the police's application.

The lawsuit is the first civil case since the [Guardian detailed how police spies](#) in a 40-year surveillance operation have often slept with female political campaigners who were unaware that the men were working for the state.

Also part of the legal action is a man who says he had a close friendship with a police spy who had a sexual relationship with his girlfriend.

The women and man have accused the police of trying to hide away the potentially embarrassing lawsuit in the obscure investigatory powers tribunal "when they have been guilty of one of the most intrusive and complete invasions of privacy that can be imagined".

The tribunal was set up to examine complaints from the public about unjustified state surveillance within what it calls "a necessary ring of secrecy".

If Tugendhat rules that the lawsuit should be heard in the tribunal, then the women and one man would have fewer legal rights than if it is heard in the high court. They would, for instance, have no automatic right to an oral hearing, or to see the evidence put forward by the police.

At the preliminary hearing in November, Phillippa Kaufmann and Heather Williams, QCs for the women and man, told Tugendhat that the spies had used the relationships to collect intelligence or for their own "personal gratification", while pretending to support them emotionally.

Monica Carss-Frisk, the QC for the police, argued that their application was merely to determine the most appropriate forum to hear the main part of the lawsuit.

Three of the women taking legal action had intimate relationships with [Mark Kennedy](#), the police officer who infiltrated the environmental movement for seven years. Two other women had sexual relationships with one of Kennedy's colleagues, who used the alias Mark Jacobs.

He claimed to be a truck driver when he spied on a small anarchist group in Cardiff.

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