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Metropolitan police want secret court to hear police spy cases

Move to tribunal would limit rights of women who allege undercover officers tricked them into relationships



📷 Three women who started the legal action say they had relationships with the undercover police officer Mark Kennedy, pictured. Photograph: Philipp Ebeling for the Guardian

Rob Evans and Paul Lewis

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Police chiefs have been accused of attempting to hide away a potentially embarrassing court case launched by women who say they were tricked into forming long-term, intimate relationships with undercover officers.

The women have begun legal action against the police, alleging undercover officers "deliberately and knowingly deceived" them into the relationships of up to six years by concealing their identity.

The women, who say they have suffered immense emotional trauma and pain, want the case heard at the high court. But lawyers for the [Metropolitan police](#) have applied to move the case into a little-known tribunal.

If the case goes to tribunal, the women will get no automatic right to an oral hearing, nor the chance to cross-examine witnesses and see the evidence,

nor read the reasons for losing if that were the verdict, nor appeal against the verdict.

Three women who started the legal action say they had relationships with [Mark Kennedy](#), the undercover police officer who spied on the environmental movement for seven years.

In legal papers, one woman says she had a relationship with Kennedy between 2004 and 2010; another says their relationship lasted for seven months in 2005.

A third, who says that she had a relationship with him between 2003 and 2005, told a BBC radio documentary on Tuesday : "He was a serving police officer and he never should have touched me whatever the circumstance."

The police are also understood to be attempting to transfer to tribunal another case in which a second undercover officer had relationships with two campaigners.

The move by Scotland Yard comes amid an intense dispute over government plans to extend secret hearings into civil courts in cases involving national security.

Police chiefs have faced a series of criticisms over their 40-year operation to run spies in political groups, including allegations that they failed to disclose crucial evidence which wrongly convicted campaigners, and authorised undercover officers to give false evidence in court.

But much controversy has been over the "unmasked" undercover officers who have admitted, or been accused of, having sex or long-term relationships with the activists they were sent to spy on.

Police chiefs have claimed that the spies were not permitted "under any circumstances" to sleep with the campaigners, as such conduct was "grossly unprofessional" and "never acceptable".

The group of women who last year started legal action against police chiefs have alleged that the deceit by partners who turned out to be spies was "deeply degrading" and caused them psychiatric and psychological injuries including depression, trauma, anxiety, anger and difficulties in trusting people again.

At a high court hearing before judges next month they will challenge the police's application to have the human rights case moved to the Investigatory Powers Tribunal.

This tribunal was set up to adjudicate complaints by the public about the intelligence services and the use of surveillance powers by official bodies.

According to its website, the tribunal, which says it operates in a "necessary ring of secrecy", says it is under no obligation to hold oral hearings, although complainants can ask for one.

No information or documents which have been provided to the tribunal, or even the fact that they have been provided, can be disclosed to complainants.

The tribunal also states that complainants cannot appeal against a verdict in the UK, but would have to take their case to the European court of human rights in Strasbourg.

Harriet Wistrich, the women's solicitor, said the police were "trying to hide away, in a secret tribunal, terrible stories" of those whose privacy was violated by undercover officers and their handlers. She said the women wanted to know how much information about their intimate relationships with the spies was passed on to police chiefs.

She added that the police could try to move to the tribunal the cases of another five women who say they had relationships with undercover officers before the 2000 Human Rights Act was introduced.

A Scotland Yard spokesman said police had "received details of a number of claims regarding individuals allegedly acting in undercover roles".

He added: "They are very unusual, complex, areas of law. Our legal position is, the Investigatory Powers Tribunal is the proper authority to hear these cases because of [their] nature and the evidence involved, but the decision on this will be made by a judge."

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