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Police criticised for attempting to hide women's legal action

Women who say they were tricked into forming long-term relationships with undercover policemen such as Mark Kennedy are fighting Scotland Yard move

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Fri 19 Oct 2012 11.24 BST

The police have come in for criticism over their attempt to move the women's legal action into an opaque, little-known tribunal.

[The group of eight women is seeking](#) to take legal action against police chiefs as they say [they were duped into forming long-term](#) relationships with police spies.

They want to have the case heard in a civil court at the High Court.

But the Metropolitan Police is attempting to get the case moved into the [Investigatory Powers Tribunal](#).

Many will see this as a cynical move by the police to hide this in a closed court.

The point here is that the tribunal is not like the High Court. People taking cases in the tribunal simply do not have the same rights as those going to the High Court.

The comparison between the High Court and the tribunal is clear from the [tribunal's website](#) and [the legislation which governs it](#).

So for instance, the "tribunal can hold oral hearings, but are under no obligation to do so". The women would have no automatic right to have a hearing or to cross-examine witnesses.

Any information or document provided to the tribunal, or the identity of any witness, cannot be disclosed.

The tribunal says that when "it does not uphold a complaint or claim, they are restricted to a statement that no determination had been made in the applicant's favour". So if they lose, they are not told why. The tribunal also says "there is currently no avenue to appeal the decision" of the tribunal in the UK.

See [this here](#) for criticism from the women's lawyer, Harriet Wistrich, and this from the [Bristling Badger blog](#).

There has also been criticism from [Caroline Lucas](#), the Green MP, who told [Parliament that the move](#) would "prevent the women, whose privacy was invaded in the most intrusive manner imaginable, from hearing the evidence, such as the extent to which intimate moments were reported back to police chiefs. It seems that the police do not want anyone to be able to challenge their version of events or to scrutinise their actions".

The tribunal has made some limited moves to open its proceedings (see its annual report [here](#)), but in essence it is very secretive as it was set up to hear complaints about the spooks, telephone tapping and all kinds of surveillance.

For a detailed analysis of the tribunal's limited openness, have a look at chapter [nine of this report](#) by the [human rights group, Justice](#).

Lawyers for the women will go to court next month to stop the police's attempt to move it to the tribunal.

Scotland Yard's official view is that it had "received details of a number of claims regarding individuals allegedly acting in undercover roles. 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."

So no suggestion then that it's all a wizard wheeze to shunt this all into the shadows.

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