

🕒 This article is more than 12 years old

# Women who had relationships with police spies win partial legal victory

Judge rules half of the women's cases can be heard in open court but half must be first heard by secret tribunal



📷 The judge said that claims against two police officers - Mark Kennedy (pictured above) and a second spy who posed as Mark Jacobs - should first be heard by the Investigatory Powers Tribunal. Photograph: Philipp Ebeling

---

---

---

## Rob Evans and Paul Lewis

Thu 17 Jan 2013 14.01 GMT

Ten women who say they were deceived into having sexual relationships with undercover police officers have won only a partial victory in their fight to have their case heard in the high court.

Mr Justice Tugendhat said the lawsuit alleged "the gravest interference" with the fundamental rights of women who had long-term relationships with police officers sent to spy on their political groups. The judge rejected an attempt by the [Metropolitan police](#) to have the whole case struck out of the court.

However, in a mixed ruling, the judge said that half the cases in the legal action should first be heard by a secretive tribunal that usually deals with complaints against MI5.

The case relates to a joint lawsuit brought by 10 women and one man who claim they suffered emotional trauma after forming "deeply personal" relationships with the police spies.

In his ruling, Tugendhat acknowledged that the allegations made by the women were "very serious". He added that the case appeared to be unprecedented. "No action against the police alleging sexual abuse of the kind in question in these actions has been brought before the courts in the past, so far as I have been made aware."

The judge drew a comparison with James Bond, the fictional member of the intelligence service who "used relationships with women to obtain information, or access to persons or property".

Although Ian Fleming, the writer of the Bond series, did not dwell on "psychological harm he might have done to the women concerned", the judge said fictional accounts such as these point to how "intelligence and police services have for many years deployed both men and women officers to form personal relationships of an intimate sexual nature".

Lawyers for the Met had attempted to have all 11 cases struck out of the court, arguing they constituted an abuse of process and should instead be heard by the Investigatory Powers Tribunal (IPT), a little-known complaints body.

However, they achieved only a partial victory.

In his ruling, the judge said that claims against two police officers - Mark Kennedy and a second spy who posed as Mark Jacobs - should first be heard by the IPT. Both of these officers were deployed after 2000, and some of the claims allege their activities constituted a breach of the Human Rights Act, which came into force in October that year.

However, the judge said that other claims for damages under common law, including torts of misfeasance in public office, deceit, assault and negligence, should be heard by the high court.

He temporarily stayed high court proceedings pending the conclusion of cases at the IPT. The special tribunal was introduced in 2000 to examine complaints from the public about unjustified state surveillance within what it calls "a necessary ring of secrecy". Complainants do not see the evidence put forward by the state and have no automatic right to an oral hearing. Neither can they appeal its decision.

Lawyers for some of the women described the decision to send half of the cases to the tribunal as an "outrage".

Harriet Wistrich, of Birnberg Peirce, said: "We brought this case because we want to see an end to sexual and psychological abuse of campaigners for social justice and others by undercover police officers. We are outraged that the high court has allowed the police to use the IPT to preserve the secrecy

of their abusive and manipulative operations in order to prevent public scrutiny and challenge."

Another lawyer representing claimants in the case, Jules Carey, pointed out the judge had accepted his clients may have been victims of the "gravest" interference with their rights, adding: "Our clients will have to carefully study the judgment and consider an appeal on this issue."

The case is the first civil action to be brought before a court since the Guardian revealed police officers were frequently sleeping with political campaigners as part of a spy operation that has been targeting protesters for four decades.

In total, six police officers stand accused in legal documents of having sexual relationships with the women they were sent to spy on.

Some cases stretch as far back as the mid-1980s. One woman, who is bringing a separate legal action, had a child with a police officer she presumed was a fellow animal rights activists in the 1980s. He later disappeared from her life and ceased all contact.

---

---

---

## More on this story

●  
**UN official calls on British government to investigate undercover police scandal**

23 Jan 2013



**/// A load of Thunderballs: James Bond is fiction, not a police instruction manual**

18 Jan 2013 | ...



**Police spies court case suggests sexual relations with activists were routine**

17 Jan 2013



