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DPP asks power station protesters to appeal against trespass convictions

Keir Starmer says Ratcliffe-on-Soar demonstrators must appeal in the light of involvement of undercover officer Mark Kennedy



📷 A fisherman near Ratcliffe-on-Soar power station. Photograph: Peter Macdiarmid/Getty Images

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The 20 protesters convicted of conspiracy to commit aggravated trespass after a demonstration at the [Ratcliffe-on-Soar](#) power station have been invited to appeal against their convictions by the [director of public prosecutions](#).

Keir Starmer QC ordered [a review of the convictions](#) three months ago after revelations in the Guardian about the role played by [PC Mark Kennedy](#), who was allegedly at the centre of a £250,000-a-year undercover operation within the climate change movement.

Using the name Mark Stone, the former Metropolitan police officer spent seven years infiltrating environmental groups across Europe.

The 20 protesters were among more than 100 people arrested when police raided the Iona school in Sneinton, Nottingham, on the morning of Easter Monday, 13 April 2009.

Although they were convicted and given a mixture of community orders and conditional discharges, the cases against six of their fellow demonstrators collapsed because Kennedy offered to give evidence on their behalf. The trial led to claims that police had withheld significant, secretly recorded tapes from the defence and the court.

Starmer said inviting the demonstrators' legal representatives to appeal was "the only proper course of action".

In a statement, he said: "I instructed Clare Montgomery QC to review the safety of the convictions of the individuals convicted at Nottingham crown court on 14 December 2010 in light of non-disclosure of material relating to the activities of an undercover police officer.

"Ms Montgomery has now completed her review and, having carefully considered her conclusions, I believe that the safety of the convictions should be considered by the court of appeal as soon as possible."

The DPP said that as the prosecution had been unable to lodge an appeal to the court of appeal, he had invited the defence to lodge one - "and to include the issue of non-disclosure of material relating to the activities of an undercover police officer in any grounds of appeal".

He added: "I have also indicated that the CPS will assist in any steps necessary to expedite the appeal.

"The safety of the convictions is a matter that can only be dealt with by the court of appeal.

"I am satisfied that, despite the ongoing reviews into what happened in this case, this is the only proper course of action. It would be wrong if, having reached this conclusion, I waited until the reviews were completed before contacting the defence about a possible appeal.

"As reviews into the handling of this case have yet to report, it would not be appropriate for me to comment further on any issues involving the undercover officer."

In February this year, the head of the Association of Chief Police Officers (Acpo) said undercover policing operations should have to be authorised in advance by a judge.

Sir Hugh Orde, the Acpo president, said the change was needed to restore public confidence amid concerns about the role played by Kennedy.
