

Last Ratcliffe-on-Soar climate protesters walk free

Activists call for undercover policing inquiry as they are given community service orders



📷 Ratcliffe-on-Soar climate protesters Ben Stewart and Sarah Shoraka outside Nottingham crown court. Photograph: David Jones/PA

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Tue 18 Jan 2011 15.05 GMT

Environmental campaigners ratcheted up the pressure for a judge-led inquiry into undercover policing today, after the last two protesters in the Ratcliffe-on-Soar power station case were given community service orders.

The most senior police involved in the controversial case, including officers from the national anti-extremist unit, were at the hearing in Nottingham, which brought fresh embarrassment for their forces and the Crown Prosecution Service.

Lawyers for Sarah Shoraka, 33, and Ben Stewart, 36, both Greenpeace employees, said the issue of PC **Mark Kennedy**, allegedly at the centre of a £250,000-a-year undercover operation within the climate change movement, had become "murkier still".

In court, the pair's barrister, Sarah Elliot, compared their behaviour and high principles unfavourably with police methods. She told Judge Jonathan Teale: "Their honourable and decent motives perhaps might be contrasted with what we now know about the long-term deployment of undercover police officers, one of whom acted on the 'extreme boundary of legality', if not decency, if the reports of agitation and so on across Europe are to be believed.

"The deployment of that officer has been concealed from the defendant by the crown in these proceedings."

Passing sentence, the judge told Shoraka and Stewart: "I am going to disappoint the media by making no comment on Mark Kennedy, other than to say that he played absolutely no part in the trial of you and the other 18. I have no knowledge of him apart from the fact that he hired a vehicle in this county."

But this was seized upon after the hearing by the activists and their legal team as a deliberate nudge that the judge had been kept in the dark about Kennedy's undercover work. The judge also indicated the likelihood of further litigation when Elliot tried to have costs quashed because of the police's alleged deceit.

He rejected the move - although costs were not ordered because of Shoraka and Stewart's limited financial means - but left the door open for it. He told

the court: "I don't think it's right to consider the question of costs because of his [Kennedy's] alleged and unproved involvement at this stage."

Kennedy's role emerged only when he offered to give evidence for the defence at a second trial involving the planned Ratcliffe protest last month. The hearing, also before Judge Teale, collapsed as a result.

Stewart, who is head of media for Greenpeace, said on the steps of Nottingham crown court that the only people who now faced jail over the Ratcliffe protest were police officers. He accused them of withholding a tape made by Kennedy which is now the subject of a disclosure application to the CPS.

He said: "Kennedy played no part in our trial because he did not come up in evidence. Those who knew that he was a police officer, and knew the significance of that explosive tape, did not tell us, and, now we know - significantly - did not tell the judge.

"Very serious allegations have been raised which throw into doubt the safety of our conviction, and there is possibly a miscarriage of justice. I don't think any of us, when we were arrested, would have thought that a possible scenario at the end of this would be that the only people who face jail sentences are police officers for suppressing evidence."

Today's hearing heard Judge Teale repeat comments made at the sentencing of the 16 other activists, which accepted that they were "highly motivated, highly principled and conscientious people". He did, however, refer to "immature and irresponsible behaviour" by Shoraka when she threw paint at Downing Street's gates in 2004 while dressed as a judge.

He said he would have passed suspended jail sentences because both defendants had previous convictions, all related to environmental protests. But he had spared another protester, with a longer record, at the previous hearing because of misleading legal advice from the defence.

He said he was "angry" about this, but added: "It would be unfair to pass suspended sentences on you in these circumstances." Both were given a year's community service with 90 hours of unpaid work for Shoraka and 80 for Stewart.

The judge deferred a confiscation order on a huge haul of alleged protest equipment seized from 114 activists originally arrested, including Kennedy's BlackBerry phone, complete with a secret police tracking device. When the Daily Mail was raised in this context, he murmured as an aside: "That is a newspaper which does not cross my table."

An Independent **Police** Complaints Commission inquiry into the Kennedy allegations is under way. Stewart described that as "laughable", saying: "Only a judge-led inquiry will do." Police attending today's hearing had no comment.

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