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Ratcliffe power station activists launch appeal over undercover evidence

Protesters convicted of Ratcliffe-on-Soar power station break-in appeal over alleged suppressed evidence of police infiltrator



The 20 climate change activists convicted of breaking into Ratcliffe-on-Soar power station are to appeal on the grounds of alleged suppressed evidence from police infiltrator Mark Kennedy. Photograph: David Sillitoe for the Guardian

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Tue 24 May 2011 16.19 BST

Twenty environmental activists who were convicted of conspiring to shut down one of the UK's biggest power stations are to launch an appeal after allegations that police suppressed potentially crucial evidence from an undercover officer.

The 20 were found guilty of plotting to break into Ratcliffe-on-Soar power station following a three-week criminal trial and police operation costing £700,000.

But their convictions were thrown into doubt after revelations that they had been infiltrated by Mark Kennedy, a police spy who was alleged to have played a central role in the organising the plot.

This led to Keir Starmer, the director of public prosecutions, to ask senior barrister Claire Montgomery to conduct an independent review into the safety of the convictions. The review's conclusion prompted Starmer to telephone the activists' barrister offering to provide assistance in overturning the convictions.

Today the 20 appellants formally submitted their application for permission to the court of appeal.

In a joint statement they said: "Our case continues to demonstrate the state's consistency in putting the interests of unlimited growth and unfettered capitalism before the rights and needs of people and planet. Our story began with the largest pre-emptive arrest of activists the UK has ever seen back in April 2009, and has since seen a random selection of us dragged through costly legal processes. The resulting consequence was 20 of us being convicted and sentenced for a crime we did not commit."

The statement added: "The launch of this appeal is just one small step in the fight back against the systemically political nature of policing. We stand in solidarity with all those who face repression for daring to take political action."

Mike Schwarz, the group's lawyer said: "We shall follow the DPP's response to the appeal with interest. We take the view that it is now incumbent on the crown - having assiduously and in such underhand and unaccountable ways gained so much personal information about the protest movement - to make amends. The crown should account fully and publicly to the court of appeal."

Revelations about Kennedy in the Guardian earlier this year have led to four inquiries amid admissions from police chiefs and ministers that the infiltration of protest groups has gone "badly wrong".

In one inquiry, the Independent Police Complaints Commission is investigating the allegation that the police deliberately withheld evidence from court.

Kennedy says he secretly taped protesters as they discussed plans to break into Ratcliffe-on-Soar power station in Nottinghamshire in April 2009. The protesters want copies of these tapes and other reports of Kennedy's operations to help their appeal, a move the CPS would now find hard to resist.

The protesters say Kennedy's evidence would have bolstered their defence in front of the jury. They had admitted the break-in plot, but insisted they were acting to prevent the greater crimes of death and serious injury caused by climate change.

Prosecutors told the court that the protesters conspired to break into the power station as a stunt to attract publicity for their campaign against climate change.

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