

• This article is more than **14 years old**

Secret policeman Mark Kennedy offers to help infiltration inquiry

Undercover police officer raises questions about decision to charge just 26 of the environmental activists arrested before power station protest



Mark Kennedy wants the inquiry to consider decisions surrounding the Ratcliffe-on-Soar power station protest. Photograph: Philipp Ebeling for the Guardian

Paul Lewis

Wed 15 Jun 2011 20.40 BST

Mark Kennedy, the undercover police officer who infiltrated environmental campaign groups, has offered to co-operate with an independent inquiry into aspects of his deployment, hinting he has potentially explosive information surrounding the prosecution of activists accused of planning to break into a power station.

Kennedy, who spent seven years undercover, was among 114 activists who were arrested by Nottinghamshire police two years ago during a gathering at a school, hours before some of them planned to occupy Ratcliffe-on-Soar power station.

Only 26 activists were ever charged with conspiring to commit trespass. The other 87 campaigners arrested were eventually released without charge,

leading some to suspect that individuals were singled out for a malicious or political prosecution.

In an [interview with BBC Radio 5 Live](#), Kennedy said the inquiry into the controversy should be expanded to consider how police and prosecutors selected those who were charged.

The director of public prosecutions, Keir Starmer [announced the independent inquiry last week](#), two days after the *Guardian* revealed the Crown Prosecution Service was suspected of misleading courts over the collapse of a trial against six of the activists.

A retired judge is expected to investigate allegations that prosecutors suppressed surveillance tapes secretly recorded at the school by Kennedy which may have exonerated the activists.

Kennedy said the inquiry - which is the eighth official investigation into the controversy surrounding undercover police officers - should go further.

"If I can contribute to the independent inquiry, then I have some confidence that those questions which are being raised might be answered," he said.

"I would be interested in seeing what the decision-making process was to [charge] those 26 people out of the 114," he said. "That would be quite interesting. I think that is an important question that needs to be asked."

Asked if he had a "private theory" as to why only 26 were charged, Kennedy said he did have information that he would convey to the senior judicial figure running the inquiry.

In another interview, Kennedy suggested that police [planned to "fit up" the activists](#) involved in the Ratcliffe protest.

"There was a plan that, this time around, instead of charging people for the usual offences like trespassing and minor criminal damage, which involves going to a magistrates' court and getting a conditional discharge or a small fine, they were going to set them up with conspiracy charges which were far more serious," he said.

Rebecca Quinn, who was one of the 114 but was not charged and is involved in the campaign group [No Police Spies](#), said: "Kennedy implies that the 26 who were charged were not selected based on the evidence, but potentially something more political, taking us into very disturbing territory indeed. Any truly independent inquiry would have to look into this aspect of the case."

The trial of the six campaigners, who denied conspiring to break into the power station, was abandoned in January after defence lawyers began requesting disclosure about Kennedy's operation. The CPS told the court that "previously unavailable information" that could assist the defence had come to light just two days earlier.

The supposedly new information is now known to be a transcript of Kennedy's secret recordings, which police say was handed over to prosecutors more than a year earlier.

Kennedy said he was "quite surprised" at the CPS claim to only have become aware of the transcript in January, saying he believes they would have known about his deployment 18 months earlier.

The other 20 activists who were charged accepted they planned to break into the power station, but told a jury they were acting to prevent massive carbon emissions. They were convicted in December, but are now challenging the verdicts at the court of appeal.

Most viewed