

Core Participants Ruling 4

1. The Inquiry has received late applications for designation as core participant under rule 5 of the Inquiry Rules 2006 from the following applicants: 'Monica', David John Nellist, 'Lindsey', 'Fawzia' and 'James Rennie'.
2. This Ruling should be read together with paragraphs 2 – 17 of the first Core Participants Ruling (revised 26 October 2015), a copy of which is posted on the Inquiry's website, for an identification of the principles that I shall apply to applications for designation.
3. The applicant who provisionally wishes to be known as 'Monica', but whose identity is known to the Inquiry, first made contact with the Inquiry by email on 17 September 2015. She did not then apply for designation although she did state in brief terms her interest in the work of the Inquiry and the nature of the evidence that she could provide. On 21 January 2016 the Inquiry received Monica's application for designation as core participant from her solicitors, Birnberg Peirce and Partners. What prompted Monica to act were the terms of a public apology issued by the Metropolitan Police Service on 20 November 2015 as part of the compromise of civil proceedings brought by seven other of Birnberg's clients who are already designated core participants in **Category [H] Individuals in relationships with undercover officers**.
4. Monica says that in 1996 she was a member of the Reclaim the Streets group. In that capacity she met a named undercover police officer who had infiltrated the group. She knew him as 'Jim Sutton'. They became friends and in April 1997 they commenced an intimate relationship. The relationship continued until October 1997. Monica says that 'Sutton' remained within her circle. In November 1997 he commenced a relationship with another of Birnberg's clients, 'Ruth', and later with a third, 'Rosa'. Both Ruth and Rosa are core participants in Category [H]. Monica moved away from the London area in 1999. She did not discover that 'Sutton' was an undercover police officer until January 2011 when she read an article about him in the Guardian newspaper.
5. At paragraph 48 of the first Core Participants Ruling I drew attention to the acknowledgement by the Operation Herne team that it was inappropriate for undercover police officers to enter into intimate sexual relationships with those they were employed to infiltrate and target. That acknowledgement was repeated and emphasised in the public apology made on 20 November 2015. On the information the Inquiry has received Monica played or may have played

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a direct and significant role in relation to matters to which the Inquiry relates and she has a significant interest in an important aspect of those matters. Accordingly, she satisfies the requirements of rule 5 of the Inquiry Rules 2006 and I shall **designate** her as a core participant in Category [H].

6. On 18 January 2016 the BBC published a website article about a person who had called himself 'Carlo Neri'. The BBC claimed that during a joint investigation with the Guardian newspaper it has discovered that Neri was an undercover police officer during the period 2002 to 2004 when he formed an intimate relationship with a woman called 'Andrea'. On 22 January 2016 the Inquiry received from Bindmans three applications made on behalf of applicants who assert that they also knew Carlo Neri.
7. 'Lindsey' says that she met Carlo in April or May 2001 through friends in the Socialist Party (formerly Militant Labour). A sexual relationship between them commenced soon afterwards and continued until February 2002. Lindsey discovered in October 2015 that Carlo was alleged by some of her friends to be an undercover police officer but was herself persuaded only in November.
8. 'Fawzia' was a member of the Socialist Party and the Youth Against Racism in Europe group. In about 2001 she was introduced to Carlo Neri when he was involved with the Hackney branch of the Socialist Party. As Fawzia believed, they shared common convictions and developed a friendship. In 2004 they shared accommodation. They attended protest events together in 2003 and 2004. Fawzia contends that she was 'spied on' for a period of three years.
9. 'James Rennie' was also a member of the Socialist Party and of the group Youth Against Racism in Europe. Mr Rennie believes he first met Carlo in 2000 through his connection with the Socialist Party. In the period 2001 to 2004 Mr Rennie believed that they were sharing ideals and a close friendship. They attended demonstrations and socialised together; they shared holidays, days out and personal conversations. When, in 2015, Mr Rennie discovered that Carlo was an undercover police officer he felt violated.
10. 'Andrea' is already a core participant (see paragraph 14 Core Participants Ruling 3, 16 December 2015) in consequence of her assertion that she was in an intimate relationship with an undercover police officer. In my view 'Lindsey' is in a similar position and I shall **designate** her as a core participant.
11. 'Fawzia' does not claim that she was in an intimate relationship with Carlo Neri. Her complaint is that he used her friendship to carry out his undercover role: either to report upon her and her friends or to maintain his 'legend' for the purpose of reporting on others. James Rennie's position is similar. I accept that Fawzia and Mr Rennie played a direct role in matters to which the Inquiry relates and that they have an interest in an important aspect of the Inquiry.

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However, I do not conclude that in the context of the Inquiry as a whole their roles in undercover policing were or may have been *significant* as contemplated by rule 5 of the Inquiry Rules 2005.

12. The nature of the police operations that the Inquiry will examine makes it inevitable that the Inquiry will be inquiring into the interaction between undercover police officers and members of a target group. The Inquiry will examine the justification for the targeting of those groups and of some individuals within them. It will also examine the effect of those undercover operations upon members of the public. However, I have to keep a sense of proportion. If I was to designate as core participant every applicant who moved in the same circles as an undercover officer as part of their target group I would be failing to have sufficient regard for the rule 5 criteria. At paragraph 10 of the first Core Participants Ruling I indicated that I intended to be inclusive so as to ensure that as wide a range of interests as possible was represented. Youth Against Racism in Europe is already represented at the Inquiry. By my designation in the case of Dave Nellist (below) the alleged targeting of the Socialist Party will also be examined.
13. In my discretion I **shall not designate** Fawzia or James Rennie as core participants but they have valuable evidence to contribute to the Inquiry and, in any event, their positions will be kept under review.
14. On 21 January 2016, Public Interest Lawyers submitted an application for designation on behalf of David John Nellist, generally known as Dave Nellist. Mr Nellist served on West Midlands City Council from 1982 to 1986. He was Member of Parliament for Coventry South East between 1983 and 1992. From 1998 to 2012 he was a Coventry City Councillor. Mr Nellist had a close association with Militant newspaper. In 1991 he was expelled from the Labour Party. Supporters of Militant, including Mr Nellist, formed a new political party, Militant Labour, which in 1997 changed its name to the Socialist Party. Mr Nellist has been a member of its national committee throughout its existence.
15. In episode 2 of True Spies, broadcast by the BBC in November 2002, an anonymous police officer claimed that while Mr Nellist was an MP the West Midlands police, at the request of MI5, infiltrated Militant as a subversive organisation and that Mr Nellist was a target.
16. In Rob Evans' book Undercover at page 134, Peter Francis, as Peter Black, was quoted as claiming that he was embedded with Militant Labour before and after it became the Socialist Party. Mr Nellist claims that Francis was succeeded in his undercover role by 'Carlo Neri' (see above).
17. Paragraph 4 of the terms of reference requires that the Inquiry investigates "whether and to what purpose, extent and effect undercover police operations

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have targeted political and social justice campaigners”. In my view Mr Nellist’s application satisfies the rule 5 criteria of ‘direct and significant role’ and ‘significant interest in an important aspect’ of the Inquiry. I shall **designate** Mr Nellist a core participant.

18. The Inquiry has received three applications for termination of designation as core participant. Marion Alcock was designated a core participant in **Category [L]** on 21 October 2015 (see paragraphs 115 and 126 of the first Core Participants Ruling). On 13 January 2016 by email Ms Alcock sought to have her name removed from the list of core participants. Kate Allen was appointed a core participant in **Category [K]** (see paragraphs 89 and 94 of the first Core Participants Ruling). On 7 January 2016 by email Mike Schwarz of Bindmans sought Ms Allen’s removal from the list of core participants. Brendan McNally was designated a core participant in **Category [L]** on 21 October 2015 (see paragraphs 115 and 126 of the first Core Participants Ruling). On 24 January 2016 by email Mr McNally requested that his name be removed from the list of core participants. I shall use my power under rule 5(3) of the Inquiry Rules 2006 to terminate the designations of Marion Alcock, Kate Allen and Brendan McNally in accordance with their requests.

27 January 2016

Sir Christopher Pitchford
Chairman, Undercover Policing Inquiry