

Core participants

Ruling 27

Prof Jonathan Rosenhead

1. On 19 December 2016 Prof Jonathan Rosenhead, made an application for him to be designated as a core participant and for Mike Schwarz to be designated as his recognised legal representative. The basis of his application was stated to be that he had been active in the UK anti-apartheid movement in the 1960s and 1970s, including direct actions against sporting events. He stated that, without a list of cover names of undercover police officers or confirmation of the individuals and organisations spied upon, he was unable and reluctant to provide more information.
2. By letter dated 20 March 2018, the Inquiry drew the attention of Mike Schwarz to the publication by the Inquiry of the cover name of HN298, "Michael Scott" and the groups against which he was deployed, including the anti-apartheid movement and to paragraphs 25 and 26 of the 'Minded to' note dated 14 November 2017, which included reference to the arrest, prosecution and conviction of HN298 as a result of an incident on 12 May 1972 during a demonstration against the British Lions rugby tour to South Africa. The letter also referred to the fact that Prof Rosenhead was arrested on the same occasion.
3. By an email dated 14 February 2019, Mike Schwarz invited the Inquiry to reconsider the application of Prof Rosenhead. He stated that he understood that Prof Rosenhead was tried and convicted of obstruction of the highway as a result of the same incident. Prof Rosenhead will know whether or not he was. Subject to him confirming that he was, I will designate him a core participant in Category [I], notwithstanding the time which has elapsed since 20 March 2018. The possibility that a miscarriage of justice occurred in his case ought to be investigated.
4. Mike Schwarz also seeks information and documents from the Inquiry, so as to permit the investigation of a possible criminal appeal. Information and relevant documents in the possession of the Inquiry, including the relevant parts of any witness statement obtained from HN298 will be provided to Prof Rosenhead at the stage at which a witness statement is sought from him. It would disrupt the efficient progress of the Inquiry to provide them now.

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Christopher Brian

5. Christopher Brian applies to be designated as a core participant. The basis of his application is principally that he knew and was on friendly terms with “Marco Jacobs”, that he participated in demonstrations with Mark Kennedy and was arrested with him on two occasions, and that he knew another man he believes to have been an undercover officer.
6. The evidence which the applicant can give is likely to be of interest to the Inquiry, if he is willing to provide it, even if it may be replicated by the evidence of others in some respects. That which he may be able to give about the “Climate Justice Action” meeting in Copenhagen is likely to be outside the Inquiry’s terms of reference.
7. However, as Sir Christopher Pitchford explained in paragraph 17 and 18 of core participants ruling 12 dated 15 December 2016, an explanation of the circumstances in which an application is made late would be required; and applications founded merely on membership of a group likely to have been targeted by one or more undercover officers would be unlikely to succeed, particularly when the interests of that group are already represented by existing core participants. Both factors require to be considered in relation to this application.
8. The facts relied on by the applicant have all been known to him for several years. The explanation given by him for delaying his application appears to be that he was waiting to see if the other individual he names in his application was confirmed to have been an undercover officer by the Inquiry. He says that not knowing whether or not he was has caused him substantial disquiet; and that that is the reason why his application has been delayed until now. I do not accept that that is a sufficient explanation of what has been a significant delay.
9. For those reasons, I am not persuaded that the interests of the Inquiry require that this applicant is designated late as a core participant.

21 March 2019

Sir John Mitting
Chairman, Undercover Policing Inquiry