

Core participants

Ruling 40

Lindsey German, John Rees, Andrew Murray, Chris Nineham and Stop the War Coalition

1. Lindsey German, John Rees, Andrew Murray, Chris Nineham and Stop the War Coalition apply, by their solicitors' letters dated 18 January and 23 February 2021, to be designated as core participants in Category [K] (political activists).
2. Stop the War Coalition was formed in the autumn of 2001 soon after the terrorist attack on the United States on 11 September 2001. Its purpose was to mobilise and demonstrate opinion against a military response to the attack by the United States and its allies, including the United Kingdom, in particular by a military incursion into Afghanistan and, in 2003, into Iraq. All of the individual applicants were members of its steering committee for at least part of that time. Lindsey German and Chris Nineham remain so.
3. Stop the War Coalition was infiltrated and reported upon by HN118 ("Simon Wellings") from inception until 20 August 2004. From an earlier date in 2001 until 20 August 2004 HN118 also infiltrated and reported upon Globalise Resistance. Chris Nineham and HN118 were members of the steering committee of that group. The Inquiry is investigating the infiltration of and reporting on both groups. Lindsey German, John Rees and Chris Nineham were all the subject of individual and personal reporting by HN118. Andrew Murray was not.
4. Lindsey German, John Rees and Chris Nineham were all long-term members of the Socialist Workers Party (SWP) until 2010. Each held senior positions in the party, including membership of the central committee until 2009 (from 1979, 1993 and 2001 respectively). The SWP was the subject of long-term infiltration by SDS undercover officers. Some (HN80 and HN155) gained ready access to its headquarters. The majority infiltrated branches or districts of the SWP and took part in campaigns organised by it, such as the Right to Work Campaign, and in groups in which it exercised influence or participated, such as the Anti-Nazi League and Globalise Resistance.
5. The SWP took an early collective decision not to participate in the Inquiry. Until Lindsey German John Rees and Chris Nineham indicated their willingness on 23 February 2021 to provide evidence about the SWP and the undercover officers who penetrated it whom they encountered, the Inquiry had little prospect of obtaining non-state evidence about this significant group. Their evidence has the potential to fill that gap.

UNDERCOVER POLICING INQUIRY

6. I am satisfied that each of the individuals named in paragraph 5 has a significant interest in the matters which are the subject of the Inquiry's terms of reference. Further, the evidence which they are willing to provide will fill what would otherwise be a significant gap in the information required to permit it to fulfil its terms of reference. For that reason and despite the fact that information about the infiltration of Globalise Resistance by "Simon Wellings" was made public by the BBC on 25 March 2011, I do not require them to explain or justify the fact that they did not apply to be designated as core participants until 18 January 2021. I accept their offer of assistance with gratitude.
7. The infiltration of the Stop the War Coalition, which is of some significance, is best investigated if it is designated as a core participant. I have, at present, no reason to believe that it was the subject of infiltration by undercover police after 20 August 2004. Unless that position changes, the Inquiry will not be seeking evidence about its activities after that date.
8. Andrew Murray was not the subject of individual and personal reporting by "Simon Wellings" or, as far as I am aware, by any other undercover officer. If he is willing to do so, he may be asked to provide evidence about the Stop the War Coalition before 20 August 2004, as a witness. I decline to designate him as a core participant.
9. For the reasons given, I will designate the Stop the War Coalition, Lindsey German, John Rees and Chris Nineham, but not Andrew Murray, as core participants.
10. Because the applications have only recently been made, the Inquiry will not be able to provide Lindsey German with a comprehensive set of documents in which she is named in Tranche One and will experience difficulties in providing all four core participants with a comprehensive set for Tranches Two and Three. For reasons personal to HN155, he will not be giving oral evidence. It is possible that HN80 will not and likely that his evidence will not be received until Tranche One, Phase Three ('T1P3'), beginning on 5 October 2021. Evidence about the SWP before 1984 and their deployments will be sought from her in sufficient time to permit it to be received in T1P3.

Heather Barwick

11. By letter dated 15 January 2021 from Mike Schwarz, her solicitor, Heather Barwick applies to be recognised as a core participant in Category [I] ("miscarriage of justice"). On 21 January 2009, she was sentenced to 11 years imprisonment by Butterfield J, following her conviction after a trial of conspiracy to blackmail. She was one of a number of defendants sentenced for their part in

UNDERCOVER POLICING INQUIRY

a long campaign whose object was to close down Huntingdon Life Sciences. In his sentencing remarks, Butterfield J made the following observations:

“You were one of the founders of [Stop Huntingdon Animal Cruelty]. You were a trusted member of the inner circle, in charge of the whole operation if Greg or Natasha Avery was in prison or otherwise unavailable..... You were one of the main players in this conspiracy.

However, I accept that despite your role as a founder of SHAC, you were not the leader and not quite in the same category as Greg and Natasha Avery. You did not develop strategies to be deployed, though you were very active in ensuring that they were, nor were you in overarching control of what took place.”

12. EN32/HN596 “Rod Richardson” was deployed as an undercover officer in the animal rights field between December 2000 and September 2003. He reported on and is alleged to have participated in the activities of Stop Huntingdon Animal Cruelty, some of them criminal. He was deployed to gather intelligence, not evidence.
13. Before I consider this application, I will require a signed statement from Heather Barwick which deals in detail with two issues:
 - i. the factual basis for contending that the activities of EN32 were such as to engage the principles identified by the House of Lords in *R v Loosely* (2002) 1 Cr App R 29 as potentially giving rise to an abuse of process in her case. Put in simple terms, she must demonstrate that it is at least arguable that the activities of EN32 were such as to make it an abuse of process to prosecute one of the main players in the conspiracy who was active in ensuring that its strategies were carried out; and that, in consequence, the prosecution would, if it had been aware of his existence, have been under a duty to reveal it to the Court.
 - ii. the reason why she has delayed for more than five years in making her application.

2 March 2021

Sir John Mitting
Chairman, Undercover Policing Inquiry