

Inquiry into Undercover Policing

Response to Rule 9 Request

**FIRST WITNESS STATEMENT OF
PROFESSOR JONATHAN VIVIAN ROSENHEAD**

Date signed: 21 February 2020

1 Personal details

1. My name is Jonathan Vivian Rosenhead. My date of birth is 21 September 1938.
2. I am providing this witness statement in response to the Rule 9 request dated 20 December 2019 sent to me by the Undercover Policing Inquiry. It provides an overview of my years of activism, particularly in the Stop the Seventy Tour ('STST') part of the anti-apartheid movement against the apartheid South African regime. It describes, so far as I am able to, my interaction with the following undercover police officers ('UCOs') – Mike Ferguson, Jill Mosdell, 'Michael Scott' / HN298.

2. Intelligence reports and other documents

3. I have received and considered about 15 documents provided to me by the Inquiry ('disclosure'), in which I have been named. I have been asked 14

mainly focussed, closed questions by the Inquiry based on the material provided to me. I seek to answer these below.

4. But this statement should not, for reasons I set out below ('documents', para 117 below) be considered my final word on the issue of how I have been affected by undercover policing.

5. I am asked if the reports I have been provided with by the Inquiry are accurate.

6. At this distance in time I cannot with confidence say that they are an accurate account of what happened or was said at meetings etc. Subject to one report, which I comment on next, there was nothing specific in the reports I know to be inaccurate, though some of the language is hyperbolic – that is to say that the undercover reporter has not uncommonly put a lurid spin on a more mundane reality. I recognise some of the events, but not by any means all. And I have no way of knowing for sure at this distance what the UCO may have left out of his account.

7. There is one Special Branch ('SB') document (**Doc 6: MPS-0736399**), presumably based on the 'intelligence' from an undercover officer ('UCO'), which is clearly wrong. It is information, set out in a document dated 9.6.70, 'obtained from a reliable source' about meetings I am said to have had, at the London School of Economics ('LSE'), in Spring 1970 with other anti-apartheid campaigners. It suggests that I, and others at those meetings planned to set

up a bogus committee ('the Keep Politics Out of Cricket Committee'), supportive of the apartheid South African cricket tour of the UK in 1970; that one of its aims was to orchestrate a 'confrontation' between demonstrators and the police; and that evidence of initial steps to put the plan, the 'committee', into effect could be found in the small ads of national newspapers.

8. It is correct that there were some meetings at the LSE, where I was an academic, with fellow activists to discuss plans to oppose the white-only apartheid tour of the UK, but beyond that there is no truth in this report. There was no plan to set up this 'committee'. I never sought to orchestrate a 'confrontation', or implicit in this, violence, between the police and demonstrators. I was not involved in placing adverts in papers.
9. The background to those advertisements, which I did not place, is perhaps more interesting though strictly non-political. They were placed by someone, now dead, who was trying to persuade me to disengage from a relationship with someone in whom he had a deep interest. (You must excuse me for not going into details.) One of his strategies was to place adverts in various journals that purported to show me as in support of various rightwing causes. The aim I assumed was to make me back off rather than experience the ire of my comrades. (Another advert which in effect suggested I was a pornographer was submitted to Time Out (or possibly the magazine City Limits)). But the layout man there knew me and got in touch to query the advert's provenance, so that one didn't make it into the light of day.

10. I have gone into some circumstantial detail to point out the potential unreliability of the information compiled by undercover officers for reporting to their superiors. They were free to put an extreme (or in this case completely fictitious) interpretation on a shred of fact – knowing presumably that such interpretations would be welcomed.

3. Aliases

11. I did not use any aliases.

4. Stop the Seventy Tour ('STST')

12. I am asked about my 'political activities' as a member of STST, my position(s) of responsibility and dates. I was not at the heart of the STST; this grew into a substantial organisation – organising mass demonstrations round the country, lobbying, running a media operation. I was involved in some of the very early meetings – at which general issues were discussed, but thereafter my activity was largely in a sub-group called the Special Action Group ('SAG'), on which I will say more below. There was some overlap between this group and the central direction of STST, certainly in terms of information flows, and to a limited extent in terms of personnel. Mike Craft (now deceased) was active in both.

4.1

13. I am asked what were the group's aims. The aims of STST were to stop the apartheid South African cricket team's planned tour of the UK in 1970, and thereby advance a general sporting boycott; the medium-term goal was to isolate apartheid SA; and ultimately contribute to the end of apartheid. It sought to protest during the 1969 South African Springboks' rugby tour as a way of securing the abandonment of the planned 1970 South African cricket team's tour.

4.2

14. I am asked what methods STST used to advance its aims. The STST's strategy was to deliver a public message, with press briefings. It sought to organise massive demonstrations, and succeeded in generating an enthusiastic reception from the public. It targeted the touring rugby team's matches around the country, and to a lesser extent venues where cricket matches would be held if that tour went ahead.

15. Peter Hain ('PH') had contact with a sympathetic sports journalist. Through that journalist and presumably other sources he received advance notice of some rugby tour arrangements which enabled us to prepare to campaign not only at matches but also at other venues, such as hotels, which we knew the team would be using. This was particularly helpful to the actions of SAG.

16. The aim of SAG was to support STST's aims by organising activities which would create publicity. SAG had no public profile and did not advertise its existence, or claim responsibility for any actions. As a result STST did not need to own them either.
17. These activities included efforts to get on the pitch or otherwise to disrupt the smooth organisation of the tour, including the teams' activities outside the game itself.
18. Both groups were committed to non-violent direct action (NVDA) in keeping with the tradition of peaceful civil disobedience. No violence was planned or used against people. We planned and executed targeted direct action, which could incidentally result in minor damage eg through the use of paint for slogans or gluing locks. Nothing more serious than this was envisaged or planned. It was clearly understood, implicitly and on occasions discussed explicitly, that anyone joining in our campaign had to accept these principles of non-violence. No doubt different people had different philosophical bases underpinning their non-violence: Quaker ideas, pacifism, Ghandi's Satyagraha, anarchist thought, Martin Luther King's practice as exemplified in the Montgomery bus boycott.

4.3

19. I am asked whether the group vetted its members.

20. There was no vetting of STST members that I was aware of, but I cannot be confident in that answer, given that I was not closely involved in or aware of the way the national group was run. STST attracted tens of thousands to its demonstrations. The active organisers were far fewer in number. Many of them came from sympathetic political backgrounds and in many cases knew other members of the inner group through previous or concurrent activism. There was no formal process for enrolment. Some had come to be active through the Young Liberals ('YL'). Others came from a squatting background. Many had a previous or concurrent involvement in the Anti-Apartheid Movement ('AAM').

21. Similarly there was no vetting of the SAG membership, if indeed you could call those active in the group 'members'. That is because the majority of them were already known to someone already in the group. It was largely membership by acquaintance. I had no great knowledge of how people got involved; one took it on trust. The only vetting that took place, if you can call it that, was that if people were not already known to one or more members of SAG they would have been steered in our direction by someone trusted, eg an existing STST activist. I see that in an intelligence report dated 16 May 1972 (Doc 8: MPS-0526782-CLF, p7, 3rd para) it is suggested that this may be how the UCO, 'Michael Scott', came to be involved in the Richmond hotel incident, below. It is reported that he inserted himself into SAG by calling the Hains' home number, was then guided by Peter Hain's mother to attend Ernest Rodker's home in advance of that demonstration. I comment on that further, below (para 85).

22. In any event, SAG was a small group, though I cannot be sure exactly how big it actually was. I guess it had a core of somewhere between 10 and 20 people, though with a penumbra of more occasional members. The core included Ernest Rodker, Mike Craft and myself.

23. As indicated by what I have already said, there were informal mechanisms to prevent the campaigns I was involved in being taken over by more radical elements. Those who were actively involved in the campaign were generally known personally to others and were therefore informally vetted as being in sympathy both with our aims and our methods. Anyone showing indications of extremism of any kind, or disruptive behaviour would have been filtered out by this recruitment process. And then, once someone was active, the generally accepted principles of NVDA would mean that anyone who began to propose more radical action would have effectively been excluded from the group and their ideas would not have been picked up. But in fact I can recall no case of such behaviour, and therefore no case of ejection from the group.

4.4

24. I am asked whether the groups took any security precautions to keep its plans, tactics or other matters confidential.

25. I have no idea what STST did, if anything, by way of security precautions.

26. At SAG, we were not worried about infiltration, mainly because we were a small group who knew and trusted each other. We were, however, concerned about possible phone tapping. As a result we intermittently sought to make phone calls from phone boxes to avoid possible phone tapping. However we did make those calls to fixed phones, as opposed to phone boxes, as it would have been impractical to organise through calls from one phone box to another. I would be interested to know if our phones were tapped.

27. I have no evidence that any intelligence that was gathered by UCOs prevented us from carrying out our planned actions.

5. Intelligence reports on STST

28. I have been provided with 5 reports in relation to STST: intelligence reports dated 9.3.1970 (Doc 1: UCPI0000008660); 7.4.1970 (Doc 2: UCPI0000014399), 12.5.1970 (Doc 3: UCPI0000008607); 18.5.1970 (Doc 4: MPS-0736368); and 27.5.1970 (Doc 5: UCPI0000008635). These all bear dates in the first half of 1970.

29. The relevant undercover officer is 'M Ferguson', seemingly Mike Ferguson. I note that I have not been asked to comment on him, even though his reports have been provided and I have been asked to comment on their contents. I have no idea who this is. This is the first time I've seen the name. That may be because this is the officer's real name and activists would only have known

him in his cover name. I understand that his cover name has not been made public¹.

30. I would be assisted in identifying him, and thus commenting on his reports, were I to be provided with a contemporaneous photo of him and other information about him, his appearance and his activities, especially where I was involved, including reports. I would like to see any statement(s) to the Inquiry as well as any information about intelligence gathered on me as a result of his or other officers' activities as this would help me better recollect what he did and what contact I had with them.

6. Intelligence report dated 9.3.1970 (Doc 3: UCPI0000008660)

31. I am asked to comment on a report of the STST's first National Conference in March 1970 (Doc 1: UCPI0000008660).

32. I have no recollection of the conference. I assume I was at the meeting. It is suggested that I was. I see I am at the top of the list of those who attended. Why was that? It reports 150 attended but the report only lists 30 names. How did they know the names of so many people there? Did the UCO recognise them all? Did they have access to a list of those attending? Maybe people gave their names when they spoke – but the spelling of names is good, which suggests that this was not how the list was compiled. I see that they put ' Privacy & Christabel' (Gurney) together, in the report.

¹ <https://undercoverresearch.net/2019/11/18/what-is-the-cover-name-of-mike-ferguson/>

They were a couple then. This suggests that the UCO unit had been digging around our group for quite some time. Does this list imply prior knowledge, based on surveillance or past infiltration of our group, but not detailed in the material the police and Inquiry have supplied to me?

33. I am asked if the conference was divided into a meeting open to the public in the morning and a private (delegates only) meeting in the afternoon. I have no recollection whether this was the case.

6.1

34. I am asked about a comment, at para 8 (p3) of the report, about whether STST would ever countenance violence.

35. The emphasis in this paragraph seems quite misplaced – as if the UCO was trying to find some trace of potential violence and inflate it. STST (and SAG) was clearly, explicitly and always a non-violent campaign. By this I mean that there was a principled objection to any violence to people. Indeed there was only trivial damage to property, if this is included in one's definition of violence. This might include applying glue to bedroom door locks, or leaving shaving foam messages on hotel room mirrors. Had anyone proposed behaving differently, to go beyond these principles, it would have been strongly disapproved of. Violence was definitely opposed, indeed disallowed. Everyone involved was aware of these principles, which were so ingrained that there was rarely if ever a need to refer to them explicitly. They were taken for granted.

36. The comment quoted from the report makes it sound as if the campaign might have been ambiguous or tolerant towards violence or even that some elements of the campaign advocated violence. This was absolutely not the position. The comments in this report have the ring of an officer putting his spin on what was said and souping it up for his superiors. There was never any suggestion that violence to the person was acceptable. This would not have been entertained for a moment.

37. It should not be overlooked that we were trying to challenge the institutionally violent and racist South African regime. The Sharpeville massacre had taken place in 1960. Our actions of accountable peaceful civil disobedience were, in my view, entirely proportionate and defensible in that context. They were also a counter example showing how politics did not need to be pursued violently.

38. More immediately, at the rugby matches I attended, there was indeed an atmosphere of violence, or the threat of violence – but this came only from the direction of the rugby supporters.

6.2 Infiltrators.

39. I am asked about a comment, at para 12 (p5), about the risk of 'infiltrators'. Warnings like this were certainly not commonplace. I have no memory at all of such a warning being issued. So at most, if such a warning was given it was very much the exception, not the rule.

6.3 UCOs

40. I am asked how concerned the STST campaign was generally about the risk of reporting of undercover officers.

41. On the whole, we were aware of the risk. On the other hand, we were not doing anything or planning anything which involved more than marginal infringement of any laws. The overwhelming majority of STST's activities involved mass peaceful demonstrations. Peter Hain of course was doing media stuff too. Although we were aware of the risk, as anyone politically engaged on the left was, we did not think we were really a serious target for infiltration. Had we been planning more hard-line action we would no doubt have taken things much more seriously. But we were not considering anything other than peaceful protests, so the possible deployment of undercover officers seemed both disproportionate, and also nothing to obsess about. And so the precautions against it were minimal.

42. As to SAG, we were aware of this as a possibility, but as with STST as a whole, it seemed disproportionate for us to be considered worthwhile targets. We did not know, however, how the police decided upon their targets, so there was no way that we could be sure whether or not we were targets.

6.4 Surprise?

43. I am asked if I was surprised to learn that undercover officers were deployed to report on our activities.

44. I was not surprised. I was disappointed. I felt that they should have been more understanding that what we were doing was a normal and recognised part of the democratic process. Citizens should have ways, other than through the ballot box, to express their concern about what is happening in the world.

45. Having read the reports by SB, I detect a clear strand of bias against the cause we were trying to advance and, by extension, the people trying to achieve it - us. I was unaware of this at the time. In the absence of such bias, the deployment of UC police resources against us would certainly have seemed quite unreasonable and therefore somewhat unlikely.

7. Conspiracy charges

46. I have been asked to comment on para 6 (p2) of a report dated 7.4.70 (Doc 2: **UCPI0000014399**) which refers to the possibility of conspiracy charges. I am asked to what extent did STST break the law in order to further its aims.

47. I assume that, by 'break the law' I am asked just about breach of the criminal, as opposed to the civil, law. 'Breaking the [criminal] law' can of course cover a multitude of activities – eg from, at one extreme, obstruction of a police officer by not doing what s/he tells you to do, or sitting in a road which tens and indeed hundreds of thousands have done over the years (eg the Committee of 100 ²) to, at the other extreme, something much more serious.

² The campaign against nuclear weapons from 1960.

48. STST was a direct-action organisation which therefore might be expected to make its point by challenging those limits but, if any offences were committed, they would be at the very bottom end of the scale of criminality. The guiding philosophy excluded any form of violence and therefore ruled out the commission of any serious criminal offences.

49. For my own part, the only time I got on a pitch during the apartheid South African Springboks' tour of the UK in 1969-70 was at a rugby match in Aldershot. Is that a criminal offence? Trespass was not a criminal offence in those days as far as I know. It could perhaps be deemed a breach of the peace. On that occasion, those of us who got on the pitch were removed by the police (we did not resist in any way), before the rugby players succumbed to the temptation to beat us up. Those who made it onto the pitch were detained for a few hours before being photographed. The police held onto those photos, which I believe that they were not allowed to do.

50. We did not generally get legal advice. We were not in general thinking of the legal implications of our actions. We saw ourselves as political activists, not potential criminals. Nor did we know the right language to use when discussing the legal implications, if any, of our actions. I understand that the offence of 'conspiracy' at that time could be used by prosecutors to criminalise a multitude of actions, which on their own, would only otherwise be civil wrongs.

8. 'Special Planning Group'

51. I have been referred to reports dated 12.5.70 (**Doc 3: UCPI0000008607**) and 18.5.70 (**Doc 4: MPS-0736368**) about a 'Special Planning Group' ('SPG') of the STST which was to 'implement [STST] activities within the London area'.

8.1

52. I am asked if this description is accurate.

53. This I think is the SAG, in which I was involved. In 1969-70 I was employed at LSE, the place where this meeting took place. I am fairly clear that room S108, referred to as the meeting place in this report, was in fact my own small office. It would have had space at most for 4 or 5 people.

54. I take issue with the term 'implement'. I see this as police jargon. We simply carried out actions to disrupt. Our little group was operationally independent, and decided what we did and how we did it. We were not 'implementing' any other person's or group's decisions. Our activities were carried out not through mass mobilisation, but by targeted interventions which would disrupt the routine of the cricket tour or its rugby precursor.

55. I am asked about the extent to which 'violence' against people or property was anticipated. I repeat the point that both STST and SAG were completely committed to NVDA and peaceful civil disobedience.

9 Hotel demonstration on 12.5.72

56. I have been referred to several documents, including police and SB reports, about my arrest on 12.5.72 at 'the Star and Garter Hotel, Richmond' ('S&G') – dated 12.5.1972 (Doc 9: MPS-0737085), 13.5.1972 (Doc 10: MPS-0737087), 25.5.1972 (Doc 11: MPS-0737109), 13.6.72 (Doc 12: MPS-0737108), and 12.8.72 (Doc 13: MPS-0737088). I have been asked to provide a factual account of it – the planning before, the events that led to my arrest, the events themselves and the events after my arrest including criminal proceedings.

57. The first thing to say is that the hotel at which the incident took place is now called 'The Petersham Hotel' ³. It was, at the time of the incident, known as the 'Star and Garter' hotel. There is another building nearby, at that time a home for disabled service personnel, now luxury apartments, also known as 'the Star and Garter' ⁴. In this statement I shall refer to the place where the demonstration took place as 'the Petersham hotel' in order to avoid confusion.

³ <https://www.petershamhotel.co.uk/>

⁴ <http://thestarandgarterlondon.co.uk/#>

58. I produce a bundle of photos (**Doc 16: UCPI000003407**) taken from the internet in 2020, of these buildings, especially the Petersham. In particular these illustrate where the carparks of the Petersham hotel are and the exits onto Nightingale Lane, the most relevant locations when considering where the incidents took place.

59. The background to the incident is that we had learned, presumably through Peter Hain's contacts, that the Petersham hotel was where the British Lions rugby team, about to go on tour to South Africa, would be staying overnight on 11th / 12th May 1972. They gathered at the hotel in readiness for going to the airport to fly to SA. We also knew the time the coach would be leaving the hotel to take them to the airport.

60. I see from the SB report dated **16.5.72 (Doc 8: MPS-0526782, p9)** that we met earlier that day at **No. Rumbold Road** in Fulham, which was Ernest Rodker's home. This makes sense to me.

61. The description at p9-11 of our plans and movements before the demonstration appears to be accurate. Broadly speaking our aim was to cause a blockage to and disrupt the departure of the team coach, so that the team would not get to the airport in time to make its flight to South Africa. As far as I was concerned, the method to be used was to cause an obstruction in the car park; there was no plan to block the road (contrary to what is suggested at para 4, p1 of the report dated 25.5.72 (**Doc 11: MPS-0737109**)). The car park was the easiest point at which to cause an obstruction. It would

have been much harder to prevent movement in the road; and also I was sensitive to the needs of other road users. I did not want to incense other road users by causing an obstruction there. This tallies with what I did and what I did with my car.

62. I remember travelling there in my car, which – as the reports show – was used as part of our efforts to block the team bus. Having read the reports provided to me by the Inquiry I see that more than one car was used by the demonstrators. That agrees with my memory.

63. When I arrived, I parked my car strategically in the hotel car park, got out and locked it and walked to join other protesters in a sit-down protest in the car park, which was adjacent to the hotel building. It was quite a large car park.

64. The protest took place in the afternoon, according to reports; I myself don't recall the time of day. My recollection is that the police were there pretty quickly, within about 10 minutes of it starting. This makes me think – now – that maybe the police knew of the demonstration in advance and this seems to be confirmed by the reports (eg reference to the hotel manager's 'belief that a demonstration 'outside the hotel' was 'likely' and a uniformed officer being there 'at once' – para (i) of p1 of the report dated 13.5.72 (**Doc 10: MPS-0737087**)).

65. From memory, there could have been about 20 people involved in the protest. The reports suggests there may have been more.

66. We were just sitting or lying on the ground in the car park. I don't recall for sure whether or not we were clustered close to the coach. I think that we were all relatively close to the coach, possibly within 5 yards. I don't remember seeing the players on the coach, but this may just be because you could not see through the windows. All demonstrators I was aware of were in the car park. I only took part in action in the car park.

67. The protest was stopped when the police grabbed us and dragged us away. In all, my part of the protest lasted, say, about 15 or 20 minutes. There was perhaps 1 transit van of uniformed police – so about a dozen officers – involved in removing us. This tallies with what is in the reports.

68. I remember my arrest. I was manhandled and marched to the police transit van and put in it, with others.

Photos

69. I have seen and produce 6 copies of photos from the demonstration (Doc 17: UCPI0000034072). These are the photos referred to at paras 2 and 3, on p1 of the report dated 25.5.72 (Doc 11: MPS-0737109) as having been obtained by the group and discussed at our meetings. They were discovered again in about 2018 when Ernest Rodker and I looked for evidence of the demonstration.

70. My car and I appear in those photos. My car is the mini (with a roof rack), reg number EUD 87C (see intelligence report dated 12.5.72 (Doc 9: MPS-0737085). There is another mini, without a roof rack, reg [Privacy]. I don't recall whose that was, though I have a feeling it belonged to a woman.

71. There are two photos – only fractionally different to each other – showing me being put into a police van.

72. There is one photo with [Privacy], another protester, on the ground and me in the back of the van. She is the [Privacy] referred to by [PT], as being with 'Michael Scott' (para 83, below).

73. I do not know if the photos were used at our trial. I doubt they were.

Arrest onwards and criminal proceedings

74. I was put in a police van with other protesters.

75. I don't recall being taken to a police station, but presumably we were.

76. I cannot remember what happened next in terms of criminal proceedings.

77. For my part, I cannot remember the details of the court proceedings. I remember vaguely being in court on more than one occasion.

78. I definitely remember being charged with obstruction of the highway. I see from the intelligence reports that I may also have been charged with obstructing the police. I don't recall doing anything to obstruct an officer other than by lying on the ground. At this time, obstruction of the police may have included simply not doing what an officer asked you to do, though I now see that [] 'PT' makes comments which suggest that 'Mike Scott' actively obstructed the police (paras 83 and 98, below).

79. As part of our defence we planned to contest the point that our actions took place on 'a highway'. There was disagreement with the prosecution about where, geographically, the incident took place. It did take place in the car park. But I recall that the police said that our protest had been on the small road connecting the car park to the main road. There was an argument about its status, highway or not. We argued that the protest took place only in the car park, not on the small road at all. Our purpose was to attempt to prevent the bus from moving out of the car park at all.

80. I assume I pleaded not guilty and had a trial. I seem to remember giving evidence that we were in the car park. I seem to remember others saying the same in evidence, combined with an argument that this had therefore been an illegal removal.

'Michael Scott'

81. I now understand an undercover police officer, 'Michael Scott' played a full and active role in the whole incident.

82. I see this from the reports provided to me by the Inquiry (in December 2019).

83. I also see this from a letter and informal statement provided by [PT] [Privacy] in June 1972 to Ernest Rodker, documents I have only become aware of recently (February 2020 – (Doc 18: UCPI0000033628)). I note that [PT] was not a defendant, though he was mentioned para 4, p9 (also p12) in the report dated 12.5.72 (Doc 8: MPS-0526782) as present at the demonstration on 16.5.72⁵. He refers to [Privacy]. I assume this is [Privacy] [Privacy] one of the defendants.

84. I don't remember any particular role played by anyone called 'Michael Scott' during the demonstration or at the trial.

85. I see from the intelligence report dated 16 May 1972 (Doc 2: MPS-0526782-CLF, p7, 3rd para), however, that it is said that he inserted himself into the group only shortly before the demonstration took place. He says he contacted Peter Hain's mother on the day of the demonstration and, following what she said to him, then went on to join the planning meeting at Ernest's house that

⁵ [PT] is also referred to in events on 21.5.72, at para 5, p1, also at p2 of the report dated 25.5.72 (Doc: 11: MPS-0737109)

afternoon. It is strange that she would tell a complete stranger such sensitive information. She was security-conscious, having been the target of continuous persecution from the SA security forces over many years. I wonder whether this explanation for Scott's insertion into the planning meeting was cover for a different truth – such as wire-tapping without a warrant.

86. It seems that 'Michael Scott' was present during that meeting.

87. He also seems to have been involved in the demonstration itself, later that afternoon, was arrested and charged.

88. He then attended court hearings with me and others, as a co-defendant.

89. He also attended private meetings between the defendants after charge and before the court case ended⁶. He appears to have been being present during and presumably participated in those meetings. I assume he was involved in and may have sought to influence discussions about our 'tactics', those 'tactics' presumably including the conduct of our defence in court. I assume that 'Michael Scott', an embedded police officer, would have taken advantage of attending that meeting and may have influenced it. He may have reported back on the agreed legal strategy to his superiors. One would not normally expect activists who were not defendants to be participants in such a meeting.

⁶ For example I see at final para of p1 of the report dated 12.5.72 (Doc 8: MPS-0526782) is this comment – 'The 14 persons arrested have all been bailed to 14 June and it is anticipated the RODKER will convene a meeting in the very near future to discuss what their tactics should be'.

Michael Scott thus had access to our confidential discussions, by virtue of being a defendant, that he would not otherwise have gained.

90. He admits and records hearing discussions about the instruction of and discussions between us and our lawyer in the case, Ben Birnberg. He reports disparaging comments (which I consider inaccurate and do not remember) made by some in the group about our lawyer (para 6, p1 of the report dated 13.6.72 (**Doc 12: MPS-0737108**)).

91. 'Michael Scott' appears to have been involved with us in the criminal proceedings throughout, including being convicted and sentenced, in his cover name. This seems to me to raise the issue of whether 'Michael Scott' may have failed to disclose this conviction when making other formal or sworn declarations of a legal nature in his real name – such as in applications for jobs outside the police force, for insurance etc.

Relevant evidence from 'Michael Scott'

92. It seems from the intelligence reports I have been referred to, that 'Michael Scott', or those who recorded information he provided, could have given relevant evidence, some helpful to our defence, in the criminal proceedings.

93. I note in particular these references in the intelligence reports, which appear to show that 'Michael Scott' and those receiving the reports knew that most of those arrested were not guilty.

94. 'Michael Scott' could have given evidence about the location of the demonstration – whether it took place in the car park, or in the road or highway, beyond the car park. The police UCO records contain a report dated 16.5.72 (at pages 9-11 of **Doc 8: MPS-0526782**) written by HN298

which confirms that

LPP - discussion of possible legal defence

The report writer does not suggest that this is in any way a false defence (at least for the majority of the defendants). The defence is consistent with the account of events at the hotel provided by HN298 earlier in his report.

95. The police UCO records (para 5, p1 of **Doc 12: MPS-0737108**) also refer to a concern by our lawyer at the time, Ben Birnberg, shared by defendants, that

LPP

There is nothing in the report, written by HN298, which contradicts this assumption. At the time of the legal proceedings **LPP** the uniformed police evidence being that we obstructed the highway when the demonstration was in fact in a private car park.

96. There is no attempt by SB to inform anyone involved in our prosecution that any of us may have been innocent.

97. Evidence from 'Michael Scott', supportive of the defendants' account (and contradicting uniformed police officers' evidence) would, coming from a

serving police officer, have been more credible than had it come just from protesters.

98. I was not present, I think, at any of the incidents [PT] describes, involving 'Mike Scott'.

99. It seems plausible to me that the actions of 'Michael Scott' as recounted by [PT] may have been the basis upon which he and/or others were prosecuted for obstructing the police. According to [PT], 'Michael Scott' was actively involved in preventing the police from removing a car, my car.

I am asked about 'Michael Scott' himself

9.1.

100. I am asked if I recall 'Michael Scott'. I do not recall him. I would be assisted by seeing any contemporaneous photo of him and, maybe, other information about what he looked like and did in relation to me and my campaigning. I assume the 'Michael Scott' in my case is not the same as the priest, Michael Scott, who was prominent in the peace and anti-apartheid movement around this time⁷. My solicitors have asked the Inquiry to confirm this is not the same person, but have not, yet received a reply.

⁷ [https://en.wikipedia.org/wiki/Michael_Scott_\(priest\)](https://en.wikipedia.org/wiki/Michael_Scott_(priest))

9.2

101. I am asked if I am surprised to learn that one of the 14 arrested with me was an undercover officer? And, if so, explain.

102. I was surprised because I had no reason to believe that our unthreatening actions were worthy of the diversion of so many State resources.

103. I note, in this respect, that there is a reference (p8 of **Doc 8: MPS-0526782**) to the police being conscious of the 'potential of embarrassment to police' if 'Michael Scott' were to have been involved in the protest and in the criminal prosecution in his cover name, and then for it to come out later that he was an UCO. This seems to highlight a failure to have procedures and criteria for the oversight of UCOs in this situation. There is no mention in the note of more important concerns - that the other defendants in the criminal proceedings should have a fair trial, that innocent demonstrators should not be convicted of offences they have not committed etc. The only concerns expressed in the documentation seem to be for potential institutional damage to the police. The failure to view activists as individuals with their own legitimate rights and interests and the decision to place those second to the unfettered gathering of information on them may be a precursor to some of the more gross abuses of activists and their rights that, I note, happened in later periods of undercover policing of campaigners.

9.3

104. I am asked to explain the impact on me of finding out that Michael Scott was an UCO.
105. The events took place a long time ago but they do raise concerns about the principles of undercover policing now and in the future – some of which I have raised above.
106. I am concerned, in particular, about an UCO attending confidential meetings of defendants and discussions about or even possibly with their lawyers and the implications this has for 'legal privilege'.
107. I am concerned that the role and evidence of an UCO was not made known to the defence, the prosecution and the court. The evidence could have led the prosecution to discontinue their case against me or me being acquitted.
108. The outcome, potentially contributed to by the covering up of the UCO's status, is that I have had this criminal conviction for over 45 years. I was only made aware of the existence and role of the UCO and potential

evidence from this officer in March 2018 when the Inquiry wrote to my current solicitors informing me of his, 'Michael Scott's', role ⁸.

109. I am concerned that my conviction has not been referred to the Panel, set up under the Inquiry's terms of reference, to consider potential miscarriages of justice.

110. I note that 'Michael Scott's' and other officers' reports on this case were escalated to senior officers within Special Branch and beyond. What use was this information put to?

Impact

10 Jill Modsell

111. I have been referred to a report dated 13.12.72 (**Doc 14: MPS-0737656**) by 'Jill Modsell, on a Christmas party, on 9.12.72, of the West London Anti-Apartheid Movement. I am asked if I recall her.

112. I have no recollection of her or this name, or indeed of the party. Having said that, I assume that this may be the UCO's real name and I have not been provided with her cover name. Again, as with 'Michael Scott', I

⁸ Letter 20.3.18: '....HN298....was deployed against two groups between 1971 and 1976, one of which was involved in the anti-apartheid campaign. In the course of his deployment he was arrested at a demonstration against the British Lions rugby tour to South Africa on 12 May 1972 for obstruction of the highway and of a police officer. He was prosecuted in summary proceedings in his cover name. He was convicted of both offences and fined and made the subject of a conditional discharge. His actions were approved by his line management. Not long after his deployment, he left the police service, since when he has had nothing to do with the police'.

would benefit from seeing a contemporaneous photo of her and other information and documents about her appearance and interaction with me and the campaign. I would like to see any statement relevant to this provided to the Inquiry by this or any other officer.

11. Other

113. I am asked if there is anything I wish to add that might be of assistance to the Inquiry.

114. I think that my conviction is unsafe given the undisclosed role of an undercover police officer in the demonstration and criminal proceedings. It is inappropriate that a false conviction should stay on record. It should be put right.

115. Even with the benefit of hindsight, it seems extraordinary that the police were targeting their scarce resources on groups with a peaceful philosophy and aiming to defend the rights of oppressed people, rather than targeting others who were violent or anti-democratic, such as the National Front.

116. I think it is important to record that the use of UCOs against me and the STST campaign does not appear, in any significant way, to have hindered our campaign or stopped it achieving its ends – in the short terms the cancellation of the 1970 cricket tour; in the medium term the severance of sporting ties between apartheid South Africa on the one hand and the UK and the rest of

the world on the other; and in the long term, through the isolation of the white South African regime, its eventual downfall 25 years later.

12. Documents

117. I am asked if I have any documents relevant to the Inquiry.

118. I note that I have been supplied by the Inquiry with intelligence reports and similar where I am named and asked to comment on them. It does appear to me that these are not all the Special Branch or intelligence reports and materials which name me. I am aware that in the National Archives and on websites open to the public⁹ there are SB reports from the period considered by the Inquiry, about the campaign I was involved in (and others) and some of these documents also name me. I assume that some at least are based, if only in part, on intelligence gathered by UCOs who spied on me and the campaign I was involved in. They have not been provided to me.

119. Here are a few examples.

120. I see in the public domain there is a Metropolitan Police ('A' division) document dated 15.5.70 which was sent to SB reporting on an incident on 14th May 1970 when I distributed a quantity of leaflets from the public gallery onto the floor of the Commons chamber in parliament. This was at the time of a debate by MPs of the impending cricket tour, which was due to start about a week later.

⁹ <http://specialbranchfiles.uk/>

121. There are SB reports dated 12.11.69 on and 15.12.69 on the AGM of the AAM which took place on 26.10.69. I am named, in the second of these documents, as one of those attending. This of course was prior to the planned 1970 tour. I was on the executive committee of the AAM, around 1968.
122. I note another SB report, dated 11.5.70 where I am mentioned (para 5) in the context of the fourth of a series of reports on STST and my role in it. There is a similar report, the fifth of that series, dated 19.5.70, where (para 10) there is another reference, paragraph, on me and my role in the campaign against sporting links with the apartheid South African regime.
123. I would like to see all SB and UCOs' files, reports and documents on me or where I am mentioned.
124. I would also like to see i) contemporaneous photos of all UCOs said to have come into contact with me and also descriptions of them; and ii) their reports on me or campaigns.
125. I would like to see the full statements, to the Inquiry, of all the UCOs who made reports bearing on my activities.
126. With this information, I think I might be able to provide a much fuller picture of the role of undercover policing, its impact on me and the activities of undercover police officers.

127. It may also help satisfy me and others that the police and other authorities have supplied all relevant material to the Inquiry.

128. If such material has been supplied to the Inquiry, but not passed on to me, I have to ask why the Inquiry consider it irrelevant to my evidence or my understanding of the level and nature of spying on me.

129. On a practical point, I should add that I cannot read some of the disclosure provided all that well, given their poor quality and my poor eyesight.

Diversity information

13

130. I am asked my 'racial origin'. It is white British.

14

131. I am male.

132. I believe the content of this statement to be true.

Signed:


(J.V. ROSENHEAD)

Date:

21/2/2020