

[Home](#) > [News & Insights](#) > [Press Releases](#) > [Undercover Policing Inquiry Update – Matthew Ryder QC Delivers Opening Statement](#)

ALL POSTS



# UNDERCOVER POLICING INQUIRY UPDATE – MATTHEW RYDER QC DELIVERS OPENING STATEMENT

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**JUSTICE**

PRESS RELEASES

APRIL 22, 2021

TEAM

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**Matthew Ryder QC today delivered the opening statement for Lord Peter Hain, Professor Jonathan Rosenhead and Ernest Rodker<sup>1</sup>. He also spoke for Christabel Gurney OBE. All played leading role in the campaign against apartheid in South Africa.**

You can find the full statement [here](#), and a link to the timings [here](#).

Please see below a summary of the key points:

History does not cast the British Government in a positive light when it comes to South Africa apartheid. For too long it supported a regime that it should have been ostracising. This part of this Inquiry will examine an ingredient of that historic embarrassment: it should be a matter of deep regret, that the SDS<sup>2</sup> chose to target those anti-apartheid campaigners for surveillance through the use of undercover officers ('UCOs'). What many in the world realised, but the SDS failed to appreciate was that the true threat to democracy came from the Apartheid regime rather than those fighting against it.

Far right groups do not appear to have been targeted in the same way. This appears to have been a deliberate decision rather than the result of any difficulty obtaining infiltration

That assessment can only have been reached by SDS officers taking a misguided and partisan political perspective: violence and intimidation by right wing groups in response to those legitimately campaigning against apartheid, was perceived as a problem caused by the campaigners and not by those using violence against them. Similarly, violence, intimidation and racial hatred espoused by right wing groups in reaction to those campaigning against racism was perceived as a problem to be resolved by targeting left wing campaigners acting legitimately, and not right-wing groups reacting to them unlawfully. This was a discredited but well recognised perspective at the time, having been espoused by the Conservative MP, Enoch Powell in the notorious 'Rivers of Blood' speech in 1968, just a few years earlier: the threat to disorder in Britain was attributed to those on the political left espousing racial equality and promoting greater racial integration, and the violent, racist response to them those on the political right was seen as regrettable, but understandable and inevitable.

UCOs continued to use the 'oblique approach': targeting groups which did not present a threat to public order or of subversion as a means to move on to groups perceived to be more extreme.

The 'oblique approach' resulted in a fundamental failure to assess the proportionality of an engagement properly: it provided a purported justification for undercover surveillance on any group of the political left.

The contemporaneous records show that UCOs viewed much of their activity as related to obtaining information for the Security Service.

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SDS were collecting information on the Anti-Apartheid Movement, sometimes on behalf of the Security Services, throughout the period of T1P2<sup>3</sup> and well into the 1980s almost to the point that the apartheid regime finally fell and Nelson Mandela was released from prison.

The pro-active approach of the police and Security Services in placing the AAM and related groups under surveillance should be contrasted with their poor response when the same campaigners were attacked by those supporting apartheid<sup>4</sup>.

This Inquiry might have expected to see reports and SDS activity relating to surveillance and investigation of those involved in those violent attacks and those aligned with them through support of the apartheid regime. This is not the case. The picture the documents disclosed by the UCPI reveal an obsession by the SDS and Secret Service with collecting information on left-wing groups, but a corresponding lack of interest in the activities of the supporters of apartheid who had carried out acts of serious violence, including planting explosives.

A striking feature of many of the intelligence reports produced by the SDS in this period is quite how disproportionate the level of surveillance was and how mundane and trivial personal information was collected.

Core participants remain concerned that the product of SDS reporting may have been shared with the South African security services and other agencies supporting apartheid.

If Mike Ferguson<sup>5</sup> took on any sort of decision-making role within STST<sup>6</sup> then that was a distortion of the political process. STST was a political campaigning organisation. Decisions relating to its actions were for genuine campaigners to make. It is wrong in principle for UCOs to take on such roles and subvert the aims and objectives of political groups.

Rather than being sanctioned for what he did, Mike Ferguson went on to hold senior positions with the SDS.

It is important to correct the record relating to purported justifications for targeting the AAM, STST and other organisations campaigning against Apartheid. Former UCOs have claimed that these groups were involved in violence and disorder and that this justified the actions of the SDS towards them. These claims are inaccurate.

The arrest and prosecution of UCO 'Michael Scott'<sup>7</sup> at the Star and Garter demonstration<sup>8</sup> in 1972 is an early and powerful example of the erosion of standards of fairness in the criminal trial process caused by the SDS policy of total secrecy in not disclosing the role of UCOs arrested at demonstrations to anyone.

[The SDS] was therefore aware that the charge was proceeding on a false basis. [The SDS] could have taken steps to correct the prosecution or to give evidence for the defence telling the court, as a police officer, where the arrests took place. [The SDS] did not.

When senior officers learned of 'Mike Scott's' arrest and charge they endorsed the plan to proceed through the trial process. At no point was the existence of a UCO disclosed to the defendants, arresting officers, prosecution or, it seems, the court.

During the preparation for trial, 'Mike Scott' became aware of confidential and privileged discussions between the defendants and their lawyers. This was included in reports sent to the SDS. Such information should not have been obtained or passed on by the police.

Concerns over disclosure by the SDS in criminal trials are not limited to the 1970s. It should not be forgotten that one of the reasons the actions of the SDS and NPOIU<sup>9</sup> came to light arose from the wrongful convictions of environmental activists at the Ratcliffe demonstration in 2009<sup>10</sup>, causing the then Lord Chief Justice to comment that: *"Something went seriously wrong with the trial... the appellants were convicted following a trial in which elementary principles which underpin the fairness of our trial process were ignored."*

## CONCLUSION

The targeting of groups campaigning against the South African apartheid regime appears hard to justify, because it is hard to justify. This is not simply a present-day perspective. It was unacceptable conduct even judged by the standards of that time. These were political campaigns on issues of worldwide significance. They deserved to remain free from the influence of undercover police officers.

This involved the SDS taking a political approach to its work. In doing so the SDS made a serious and grave error in the way it treated the anti-apartheid movement. This Inquiry should confirm that error as a matter of historical record if there is ever to be confidence in a surveillance system that went badly awry and to ensure similar errors do not occur in the future.

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### **Timings**

- Ernest Rodker's statement to the Inquiry will be read out by his son, Oli Rodker, on Wednesday 28 April at 2pm-5pm.
- Professor Jonathan Rosenhead will give evidence to the Inquiry on Thursday 29 April at 10.30am-1pm.

- Christabel Gurney OBE will give evidence to the Inquiry on Thursday 29 April at 2pm-5pm.

- Lord Peter Hain will give evidence to the Inquiry on Friday 30 April from 10am-5pm.

More information on the AAM memo to the government in 1982 can be found here:

- <https://www.aamarchives.org/archive/campaigns/government/gov19-aam-memorandum-for-meeting-with-the-home-secretary.html>
- <https://www.aamarchives.org/archive/campaigns/government/gov24-memorandum-to-the-home-secretary.html>

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<sup>1</sup>They are core participants (CPs) in the Inquiry.

<sup>2</sup>The Special Demonstration Squad, the undercover police unit within Special Branch.

<sup>3</sup>Tranche 1, phase 2 – the part of the Inquiry examining undercover policing between 1973 and 1982 about which hearings are currently taking place.

<sup>4</sup>The AAM, the ANC, Lord Hain himself.

<sup>5</sup>A leading officer in the SDS active undercover at this time, later with a senior role in management in the SDS. Cypher – HN135.

<sup>6</sup>Stop the Seventy Tour – the campaign against the apartheid South African sports / cricket tour.

<sup>7</sup>Cypher – HN298.

<sup>8</sup><https://www.theguardian.com/uk-news/2020/jan/06/man-81-seeks-to-quash-conviction-for-apartheid-protest>

<sup>9</sup>National Public Order Intelligence Unit, the undercover unit which replaced the SDS.

<sup>10</sup><https://www.bbc.com/news/uk-14203873>.

