

Further submission to
the Joint Committee on Human Rights

by

the Campaign for the Accountability of American Bases – CAAB

Arising out of the oral evidence given to the Joint Committee on Human Rights (JCHR) on 21 October 2008 by Lindis Percy (Coordinator with Laila Packer of CAAB), we are grateful for the opportunity to submit further examples and concerns on this issue of 'policing and protest'.

In the first submission by CAAB, we made reference to the increasing encroachment of the State in the area of 'policing and protests' that we have experienced over many years.

We draw the attention of the JCHR to the aims and objectives of CAAB which are specifically to bring public scrutiny and awareness to the accountability and presence of the US Visiting Forces and their Agencies in this country and world wide. Therefore the US Visiting Force is involved when protesting at and around US bases. It is an issue which is politically sensitive. We consider that this is important to note when referring to the undermining of civil liberties concerning such protests. At US bases and where there is a contingent of Ministry of Defence Police Agency (MDPA) officers, it is also important to note that these officers are paid for and under the control of the US authorities (revised Memorandum of Agreement 2008). Protest is just one of the ways CAAB campaigns to raise these concerns.

Further examples of restrictions by the police to protest

Application for an Anti-Social Behaviour Order

In 2005 North Yorkshire Police and the Ministry of Defence Police Agency made an application to the court for an Anti-Social Behaviour Order against one of the Co-coordinators of CAAB. The implications for the future of protest were potentially very serious.

The application was for a 10 mile exclusion area around the American base at Menwith Hill for a period of 10 years. The application was wisely rejected by the District Judge hearing the case. The defendant was eligible for and granted legal aid. However the outcome may have been different if the defendant had had to represent herself. We make the point that not only is the benefit of legal aid for representation often essential, the necessity sometimes to challenge the law is prohibitively expensive for the citizen.

Further conditions imposed (section 12 Public Order Act 1986)

We are concerned about the 'creeping' and insidious restrictions imposed by North Yorkshire police on demonstrations organized by CAAB and other groups. Once the precedent was set last year (annual 4 July 'Independence FROM America demonstration and referred to in the first submission), the police have continued to impose conditions on each of the major demonstrations since; regardless of meetings with the police and representations made by the organizers. For example, we suggested and were willing to provide stewards wearing reflector jackets, put in place warning notices of the demonstration and inform those wanting to participate in the walk round the base of the health and safety issues. These suggestions were firmly rejected by the police.

The rationale behind these restrictions sometimes appear petty and illogical. We were again prevented from walking round the American base at Menwith Hill on 4 October this year. The grass verge, at the lay-by where the demonstration was being held was also out of bounds; it being legally part of the highway. Several demonstrators were aggressively threatened with arrest when trying to retrieve banners from the grass verge and needing to cross the road. The conditions referred to 'a procession'. Despite discussing this with senior officers no compromise was possible. The numbers of police again brought in to 'police' the demonstration was out of all proportion to the numbers of protestors present; involving police horses, police waiting in vans, police on foot and on bikes and in vehicles.

We suggest that this way of policing demonstrations (which are very small in comparison with some of the London demonstrations) only

increases the growing antagonism between the police and the public. This is not in the interest of either party.

Videeing and photographing protestors

On 4 July this year (Independence FROM America) we learnt that many of our Muslim brothers and sisters who wanted to come to the demonstration were deterred from coming because they were frightened that they would be 'arrested and detained for 42 days'. Others say they feel intimidated and harassed by the constant photographing and videeing by NYP and the MDPA.

Right to protest against right to go about lawful business

These concerns apply to the regular Tuesday evening protest outside the American base at Menwith Hill and therefore technically on the highway. We recognize that the right to protest and a person's right to go about his/her lawful business is a matter of balance. However we draw the attention of the JCHR to the authority of *Hurst and Agu v Chief Constable of West Yorkshire 1987* which is a helpful authority on this issue and includes some historical quotes concerning protest.

CAAB has many experiences of the balance being tipped by the MDPA in favour of the person whose right it is to go about their lawful business rather than enabling the protest. We believe that this often happens because the MDPA are paid for and under the control of the US Visiting Forces where they are present on US bases. The way of policing these protests is often inconsistent despite having meetings and writing letters expressing our concerns. It is a continual struggle. Complaints made against the police are rarely substantiated in our experience despite having a credible concern. The training of police officers and the application of the law concerning the legal right to protest is clearly an issue we believe.

Use of the law to restrict protest

Over the years, several new laws have been brought in to restrict protest, often by way of a Statutory Instrument. Some of these laws were never meant to be directed at peaceful protest for example 'aggravated trespass' (sections 68 and 69 Criminal Justice and Public

Order Act 1994). Section 69 is often used against protestors and it appears to be used as a form of bail conditions regardless if officers 'reasonably believes that the alleged offence will be is about to be and/or has actually been committed'. This law and SOCPA (see below) has been used in favour of Military Land Byelaws; many of which we believe are invalid yet are still extant.

Serious Organised Crime and Police Act 2005

There was a question at the oral hearing about 'public and private space'. We make a general point about this. Increasingly and because decisions of great importance to us all are not meaningfully debated in Parliament (eg the UK link to the Missile Defense System at Menwith Hill and Fylingdales) we firmly believe that it is important to protest within public and private spaces. The caveat being that the protest must be peaceful. SOCPA criminalizes those peacefully protesting and labels them as 'terrorists'. Protestors are caught up in an Act entitled 'serious organized crime'. We respectfully submit that mere trespass is not a 'serious organized crime'.

CONCLUSION

In an increasingly dangerous and complex world and where the systems and structures in a democratic society often fail the citizen, it is more important than ever to maintain and nurture the precious right to protest without fear, interference or erosion of this right by the State. It is the duty of the police to enable protest. We owe it to future generations to ensure that our rights are maintained and stewarded.

We very much welcome the investigation by the JCHR concerning 'policing and protest' in this country and for the opportunities to voice our concerns in this forum.

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