

# Double Jeopardy

SchNEWS

*Newly proposed laws threaten even more police power.*

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Stung by criticism over the farcical restrictions on protest outside parliament, Gordon Brown pledged a review of the controversial sections 132 to 138 of the Serious Organised Crime & Police Act (SOCPA). Initially this law seemed tailored specifically for one Brian Haw, permanent resident of Parliament Square, but it subsequently caught more than a few others in its dragnet (SchNEWS 574).

The persecution of Brian caught the public imagination (he's not the messiah...!) and he ended up winning Channel 4's 'Political Man of the Year Award' as well as appearing regularly in documentaries. Brian's sheer inoffensiveness did much to highlight a government hell-bent on controlling any dissent no matter how innocuous.

Anxious to try and draw a line between himself and the previous incumbent of No 10, Gordon was quick to bounce up and declare he was really a lovely right-on, friend-to-all kinda guy, passionate about real democracy – and almost certain to relax some of the more totalitarian parts of SOCPA soon. Er, force a warm matey grimace for the cameras and hope no one notices the tsunami of other anti-civil liberty laws going through (SchNEWS 598).

## GREEN PAPER TIGERS

In a classic Neo-Labour attempt to turn concern for democracy on its head, Gordon's fembot at the Home Office, Jacqui Smith, has published a 'public consultation' document as part of the series of green papers titled, 'Governance of Britain' (...don't all rush at once!). At first this poses as a simple review of the laws surrounding protest in Parliament, but really has a far wider remit. In fact it proposes a major redraft of existing Public Order Law. Apparently this is all in the interests of 're-invigorating our democracy' – a piece of doublespeak that would have Orwell spinning so fast in his grave that he'd prove a valuable source of renewable energy.

At the moment, the Public Order Act 1986 is the basic framework used to hassle people on street demos. Since it came in it has been modified by successive Acts and supplemented by a tide of legislation aimed at giving the police powers to decide for themselves just what constitutes legitimate protest activity (SchNews 611). Under the Public Order Act, police have the powers to impose conditions on assemblies and marches of two or more people if they fear serious violence, serious criminal damage or serious disruption to the life of the community. Sussex Police, for example, have imposed conditions on gatherings of as few as three people before now. In effect, the law allows for cops on the day to decide exactly how much dissent they are prepared to tolerate and arrest those who do not comply.



But this doesn't mean they're happy. They've pressed for more and more power. There is still the annoying fact, for example, that there is one important difference between the laws on marches and assemblies. In order to organise a march you have to give six days' notice in writing for the police. Marches can be banned but assemblies cannot. So of course the police want these laws to be 'harmonised' – as long as that means giving them power to proscribe spontaneous assemblies at will. But of course we are assured all this will 'not restrict the right to assembly'.

Also explicitly mentioned is the idea of redrafting the law so that police can confiscate banners with slogans they fear might cause 'public disorder'. This is a major step in the direction of

'thoughtcrime'. Just as it is an offence to participate in a banned march it will be an offence to attend a banned assembly.

Police have been caught out more than once using these powers as if they amounted to a blanket 'Do as you're told' Order. Several forces have had to pay out thousands to protesters who convinced courts that the police did not have any justification to impose conditions on demos. No wonder top plod want the law 'harmonised'. These green papers may be a case of aim for the moon and you might get the stars, but even watered down the measures proposed are not very mouthwatering.

To read for yourself, see: [www.homeoffice.gov.uk/documents/cons-2007-managing-protest](http://www.homeoffice.gov.uk/documents/cons-2007-managing-protest) (cons-2007 is a pretty fair description).

## AN ACT TO GRIND

The big charade of a newly fluffy government actually listening to the public about anything didn't take long to crack - just a few days in fact. It turns out the next piece of the state crackdown on civil liberties is already in place. Ladies and gents, having just gained the big nod from her Maj, QEII, let us introduce you one to of the newest Acts already on yer statute book... the Serious Crime Act 2007 (SCA). Effectively already law, it can now be rolled whenever the government wishes.

Amongst a number of measures, such as beefing up powers of asset recovery and transferring even more power to the Serious Organised Crime Agency, it's out to create new offences. As well as bringing in 'Serious Crime Prevention Orders', making it easier to get court orders to detain people before they actually do anything wrong, we also look set to be living in a 1984-styled country where you can get nicked for the offences of 'assisting or encouraging'. We kid you not.

The current incitement laws are to be dropped and replaced with the new crimes, even more open to police interpretation and abuse. Apparently, "A person commits an offence if he (a) does an act capable of encouraging or assisting the commission of an offence; or (b) he intends to encourage or assist its commission."

Just in case this wasn't enough, "It is immaterial for the purposes of subsection (1)(b)(ii) whether the person has any belief as to which offence will be encouraged or assisted." In terms of protesting, let alone ramifications across the whole of police interaction with the public, this will mean carte blanche for police to arrest anyone at a protest where someone is committing some kind of offence or it is believed that some offence might be committed. Maximum penalties are not light either, with a 51-week prison sentence or a £4,000 fine possible.

Who knows, banner and placard waving or being nice to someone D-locked could easily be seen as 'encouragement', for example. Giving someone a lift to a demo could turn out to be 'assistance'. The standards of proof required to be convicted under the act also appear vague and open to exploitation.

Whatever the outcome of the sham public consultations turn out to be, the chosen way for 'managing protest' seems to have already decided. And yes, it's more open-to-all-interpretations laws giving police more discretionary powers to crack down on anyone they don't like the look of – presumably all handily in place for when society cracks under the weight of climate change, peak oil, Armageddon etc. They plan ahead, these people.

## Gordon Brown guilty?

Comedian and anti-SOCPA campaigner Mark Thomas hopes to persuade the Director of Public Prosecutions to bring a SOCPA case against Gordon Brown for his part in the unveiling of Nelson Mandela's statue in Parliament Square. Brown should really have asked for authorisation to hold such an event, but he didn't. Ian Lucas MP may have fallen foul of SOCPA rules too.

Full report on page 13.

# Another SOCPA challenge

**Meanwhile, under SOCPA sections 128-131 is is an offence to trespass on a designated military site, including Coulport naval base...**

Joan Meredith

## COULPORT, 6 SEPTEMBER

Who would have thought it possible for two old women aged 62 and 77 years to enter a top military secure base, the nuclear storage depot at Coulport in Scotland? Well, on 6 September, Irene Willis and I did just that. We penetrated as far as the jetty where the submarines are berthed while waiting to be loaded.

Earlier in the day we had had two unsuccessful attempts to get into the Faslane base. We decided we would try to enter Coulport. Just after midnight, we stood deep inside the perimeter fence, expecting to be instantly arrested. But no. We wandered around for a further two hours, appalled at the absence of any security. In desperation, we thought of going out the way we had got in but found that impossible.

Wearily, we trudged right down to the main gate, where surely there must be security guards on duty. As we approached, a policeman emerged from the duty block, walked across the path and, although we frantically waved, walked back inside. He appeared to be on the phone and then he looked up and out of the window.

After that, it was like watching the Keystone Cops. He dashed out, looked at us, dashed back in, came out with his cap on and machine gun over his shoulder and with a younger policeman. They waited for us to slowly approach them. Leaving us with the younger man, he went into phone for assistance.

After a long wait, other MoD police arrived with arresting officers and a plethora of vans. They were obviously frustrated and we were called 'silly women'. No such thing. We were there because as older citizens, we take to heart what Martin Luther King said: 'Our lives begin to end the day we become SILENT about things that matter.'



Coulport is located on the Clyde

It matters that our children inherit a nuclear-free world.

We were taken to Faslane and treated with courtesy and respect and very gently processed. At 5 o'clock we were released and driven, by the police, to the Faslane Peace Camp.

*Joan and Irene were part of the Serious Organised Crime Investigation and Prevention Team, which has also conducted inspections of the neighbouring Faslane Naval Base. Although Coulport is protected under SOCPA, the two were charged only with breach of the Faslane, Coulport and Rhu Narrows Byelaws, possibly because the police don't want to advertise the lack of adequate security at the base.*

Joan said: *The Trident system is the ultimate form of state violence and a threat to the whole human race. I'm sure there will be security reviews at Faslane and Coulport today - it's a shame they will focus only on the narrow issue of keeping people out of fences and not on the greater threat to all our security posed by our ongoing possession and deployment of nuclear weapons.*

Irene added: *How can the Government expect citizens to obey the law when they are blatant in disregard for the fundamental rule of International Humanitarian Law themselves?*