

NON-VIOLENT RESISTANCE NETWORK

Newsletter of the Campaign for Nuclear Disarmament

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RIGHT TO PROTEST UNDER THREAT

Throughout the pandemic our right to protest has been seriously infringed. These limitations have been justified as needed to limit transmission of Covid19.

Having in large measure got people to accept draconian limitations during the pandemic, the government is preparing to drastically interfere with the right to protest on a continuing basis through the *Police, Crime, Sentencing and Courts Bill* now before Parliament.

The authorities, including the police, have often acted as if all protest were illegal. However in late March the cross-party parliamentary group, the Joint Committee on Human Rights (JCHR), concluded that protest had never been completely illegal even during lock-downs.

I'm not convinced that this is correct. During the bewildering series of changes in covid regulations over the past year a right to protest has only been specifically acknowledged for part of the time, from 14th October, when the 3-tier system first came into effect, and gatherings "for the purposes of protest" were allowed for up to 30 socially-distanced people, provided the "organiser" carried out "the required precautions" including a risk-assessment. The 24th October anti-lockdown protest was dispersed by police because the organisers had not carried out such a risk assessment.

This specific recognition of a right to protest ended on 20th December, when a fourth tier was introduced and the exception for protest was rescinded for all tiers. It should be noted that similar exceptions for such things as weddings and funerals had existed before 14th October and continued after 20th December.

It was not till 29th March this year, with the first easing of the third lock-down, that gatherings for protest were again specifically allowed exemption from the new general limit of six for social gatherings in the open air, provided they are organised by a public body, business or political body or other group. They also have to pass risk assessments at the discretion of individual police forces, including the maintenance of social distancing.

In its conclusion that protest was not illegal at times when no specific right to protest was acknowledged, the JCHR pointed out that the regulations always allowed the defence of "reasonable excuse" for infringing them,

giving a non-exhaustive list of possible such excuses, so protest could be claimed as such a reasonable excuse.

However, it seems to me that this possibility does not allow a right to protest unless such an excuse will be accepted by the courts under certain conditions, such as those defined by the regulations between 14th October and 10th December, otherwise there is no firm legal protection for the right to protest.

NEW POLICE BILL

The Government has reacted to the wave of Black Lives Matter protests sparked by the murder by a US policeman of George Floyd and the Reclaim the Streets vigils in reaction to the murder of Sarah Everard when walking home in Clapham, environmental protests by Extinction Rebellion and others held during the pandemic by encouraging heavy-handed policing of these protests and, most pernicious of all, introducing a bill to Parliament that seeks to drastically limit on a permanent basis the right to protest

The bill in question is the 307-page *Police, Crime, Sentencing and Courts Bill* (or Police Bill for short), that was brought before Parliament for a first reading on 9th March and a second reading on 15th March, when it was passed by 359-263 votes. Those voting for were all Tories; no Tories opposed the bill and only three of them abstained. No non-Tory voted for the bill

So how does the Bill limit the right to protest?

It makes it an offence for a protest, even down to a one-person protest, to cause "a significant impact to those in the vicinity or serious disruption to the life of the community". What constitutes a "significant" impact or "serious" disruption is surely a very subjective matter which will be interpreted differently by different police officers or judges, a very unsatisfactory situation both for protestors and the police. The Bill says that the Home Secretary will have the power to define and give examples of such significant impacts and serious disruptions "which are carried out in the vicinity of the procession/assembly/one-person protest". The briefing paper claims these regulation-making powers will clarify ambiguous cases. However this doesn't stop such

decisions being subjective, it just makes them dependent on the subjectivity of one person, the Home Secretary.

The Bill also gives the police and the Home Secretary new powers to ban and control protests, such as imposing start and finish times and noise levels. Protest organisers could be imprisoned if the protest breaches these conditions.

There is also a weakening in the proof needed that someone breached conditions imposed by police on a protest. The prosecution no longer have to prove that the protestor “knowingly” failed to comply with the conditions imposed, but only that the protestor “knew or ought to have known” that the conditions had been imposed.

The Bill also extends the already controversial police powers to stop and search, introducing “Serious Violence Reduction Orders” giving the police stop and search powers to target adults convicted of knife and offensive weapons offences.

The Bill further targets Traveller, Roma, and Gypsy people by giving the police new powers to seize property (including vehicles), where individuals reside or intend to reside with a vehicle in “unauthorised encampments” and refuse to leave the land with their vehicles, an offence which carries a maximum three-month sentence.

Most ludicrous of all, the Bill increases the maximum penalty for criminal damage to a memorial from three months to ten years. This after only one statue has as far as I know been toppled, that of slave trader Edward Colston during a Black Lives Matter (BLM) protest in Bristol. In comparison, the maximum sentence for rape in the UK is five years. As David Lammy MP was reported as putting it, “Are we saying that that pulling down a statue is more important than a woman's body?”

The four protesters charged with criminal damage for toppling the Edward Colston statue and throwing it in the Avon elected for a jury trial when they appeared at Bristol Magistrates’ Court on January 25th. A group of supporters outside were dispersed by police enforcing covid restrictions, and four were charged with breach of these regulations

Ironically, the introduction of the bill, clearly intended to curb protest, to Parliament, itself led to a large number of protests all over the country.

On the weekend of April 3rd-4th protests, mostly under a thousand strong took place in more than 25 towns and cities in Britain.

The largest was in London where an estimated 10,000, including BLM and XR activists, marched from Buckingham Palace to Parliament Square. Later in the day riot police were deployed to disperse the small number of protesters then remaining in the Square and 107 arrests were made for a variety of offences, ranging from breach of covid legislation and breach of the peace to violent disorder and assault on police.



Kill the Bill demonstrators in Parliament Square, April 3rd

Bristol was a particular hotbed of protest against the bill, with repeated demonstrations met by violent police action to disperse them. On April 3rd, around 1,500 marched through the city centre and were met by police enforcing a section 35 dispersal order over the whole city, arresting seven protesters in doing so.

BLM PROTESTS: GOVT. RESPONSE

The death of black American George Floyd caused by having his neck knelt on by a white policeman led last summer led to world-wide protests including protests in over 260 towns and cities in the UK, the largest anti-racist protests here for decades, against racism both in the US and the UK.

There has since been a public reckoning with Britain's slavery and colonial past. Apart from the toppling of the Colston statue and “is a racist” written on Churchill's statue in Parliament Square, scores of tributes to slave traders, colonialists and racists had been taken down or are to be removed across the UK, with hundreds of others under review by local authorities and institutions.

In a radio interview commenting on the protests, Home Secretary Priti Patel showed no sympathy for the demonstrations, describing them as “dreadful”, pointing instead to the pressures that the demonstrations brought on the police, adding “There are other ways in which people can express their opinions, protesting in the way that people did last summer was not the right way at all.” She also said that she did not agree with the gesture of taking the knee (used by anti-racist demonstrators to show support for the victims of racism)



Martin Luther King taking the knee in 1965

In response to the protests, the govt. set up a “Commission on race and ethnic disparities” in July 2020.

The auguries for the independence of the commission were not good when the job of recruiting the members of the commission was delegated to a government adviser, Munira Mirza, who had previously denied the existence of structural and institutional racism in the UK. Boris Johnson even commented that the intent in setting up the commission was to “change the narrative so we stop the sense of victimisation and discrimination”.

Under these circumstances perhaps it was not surprising that in March 2021 in its final report it said that what it patronisingly describes as “the well-meaning idealism of many young people who claim the country is still institutionally racist is not borne out by the evidence”.

So why the great racial disparities in the UK in terms of health and mortality, as shown by the corona virus epidemic, and in housing, employment, educational outcome, rates of arrest and imprisonment etc? The report says that while racism exists, “geography, family influence, socio-economic background and culture and religion”, all have a greater impact on life chances.

This is tantamount to claiming that the responsibility for ethnic minorities’ lesser life chances is mainly that of such minorities themselves – if they changed their geographical location, socio-economic background and renounced their family influence, culture and religion, their lives would be much more equal; however it is surely institutional racism that itself obstructs such minorities from changing these factors, and to suggest that racial minorities should renounce family influences, culture and religion (presumably in favour of the views and practices of the white majority) itself betrays a racist and indeed colonialist mind-set.

This mind-set is reflected in an extraordinary comment the report makes on the slave trade that a “new story” needs to be told about it, which would highlight cultural transformation of African people. Again the assumption behind this is the colonialist one that European culture is superior to African cultures and religions and to the extent that slaves were forced to give up their own

cultures and religions and adopt a European one that at least was a good thing in itself, however bad other aspects of slavery might be.

CLAPHAM COMMON VIGIL

On the evening of 3rd March 33-year old Sarah Everard was murdered on her way home after visiting a friend near Clapham Common. On 9th March Wayne Couzens, a Metropolitan Police Officer was charged with her kidnapping and the following day with murder after her corpse was discovered in woodland near Ashford.

The news of this murder produced a wave of “me too” postings on social media as women reacted by sharing their experiences of sexual harassment and violence by men. Many of these were from women and girls telling of sexual assaults in colleges and schools, revealing a hidden epidemic of these in these institutions. Students at Warwick University took part in a sit-in protest living in a tent in the middle of the campus to highlight what they described as a “huge culture of fear” around sexual abuse and the university’s failure to support victims.

On 13th March country-wide vigils were organised by a new Reclaim the Streets organisation. However, on the 12th Priti Patel told police chiefs that she wanted the demonstrations stopped because of the covid risk and police told the organisers any such vigil would be considered illegal under the Covid-19 regulations, refusing to discuss with the organisers ways in which the vigils might go ahead. Some planned vigils were consequently cancelled in favour of on-line events, but in many other places they went ahead, including on Clapham Common.

In the earlier part of the day, hundreds of people attended to lay flowers in remembrance of Sarah. These included the Duchess of Cambridge.

However, by 6pm a crowd of several hundred had congregated at the park’s bandstand for a public meeting organised by direct action group “Sisters Uncut”. The police decided to disperse the crowd and did so forcibly, pushing and handcuffing women. Four people were arrested for public-order offences and for breaching the Corona virus Act 2020.

This decision by the Metropolitan Police and their behaviour in forcibly arresting attendees and walking over the flowers laid prompted public anger and criticism from some politicians. In response, Priti Patel directed HM Inspectorate of Constabulary and the Fire & Rescue Services to conduct a review of the policing of the vigil and the lessons to be learned. The review, published on March 30th, found that the police had “reacted appropriately and were not heavy handed” and were “justified” in their stance with respect to the Covid regulations, saying that the risks of transmission were “too great to ignore”. However the review did admit that the police response was a “public relations disaster”.



Patsy Stevenson, thrown to the ground and hand-cuffed by police at the Clapham Common vigil. Later fined £200 for breach of Covid regulations.

Of course: photos of policemen forcibly restraining women at a rally in remembrance of the murder of a woman by a police officer and against male violence against women was certainly that!

The review also concluded that the Met had incorrectly interpreted corona virus-related restrictions and claimed as we have mentioned above that not all demonstrations during a Tier 4 lockdown were unlawful.

On March 14th more than 1,000 people marched from New Scotland Yard to Parliament Square and the police response was described as "hands-off" as compared to that on the day before.

LIMITING ASYLUM RIGHTS

Under proposals announced by Priti Patel on 24th March, people who arrive in the UK by what the government call "illegal" means to claim asylum will no longer have the same entitlements as those who arrive through "legal" channels.

So there will be a two-tier system for asylum seekers. For those who arrive "illegally", even if their asylum claim is successful, they will only be granted indefinite "temporary" refugee status which means they are liable to be expelled from the UK indefinitely.

The government also wants to amend legislation to make it possible to move asylum seekers from the UK while their asylum claim or appeal is pending. This will keep the option open, if required in the future, to develop the capacity for offshore asylum processing. Gibraltar has been mentioned as a possible such place.

come to, but international law, supported by UK case law, refutes any such obligation.

that in 2019 only one in five people granted asylum in the UK had arrived by this route. So, if saving lives is really its priority, then the government should make it much easier for people to be considered for asylum by the legal route.

For those who have been deemed to have arrived illegally, access to benefits and family reunion rights could be limited.

The appeals and judicial process will be reformed to speed up removals of those whose claims are refused.

The system will be made, the proposals say, "much harder for people to be granted refugee status based on unsubstantiated claims" and will include "rigorous age assessments" to stop adult migrants pretending to be children. The government is considering the use of bone scanners to determine age.

Life sentences will be brought in as a maximum penalty for people smugglers.

Foreign criminals who breach deportation orders and return to the UK could be jailed for up to five years instead of the current six months.

Priti Patel claimed in defending the proposals that they will save lives, presumably by dissuading people from trying to cross the Channel in small boats.



Asylum seekers crossing the Channel

The first thing to be said about these proposals is that they fall foul of Article 31 of the UN Refugee Convention, to which the UK is a signatory, which provides that refugees should not have any penalties imposed upon them as a consequence of illegally entering or being in the country of refuge in order to seek sanctuary, provided that: they travel to the country of refuge directly from the territory where they fear persecution; present themselves to the domestic authorities without delay; and show good cause for their illegal entry or presence. The condition of travelling "directly" is often cited as meaning refugees have an obligation to seek asylum in the first safe country they reach. The second thing to be said is that the difficulty of using the legal route for applying for asylum in the UK means

ASYLUM SEEKERS HOUSED IN UNSUITABLE ACCOMMODATION

As an example of government attitudes to asylum seekers, in a report published on April 8th, Her Majesty's Inspectorate of Prisons found that asylum seekers were

being housed in unsuitable accommodation in ex-army barracks at Napier Barracks in Folkestone and Penally Camp in Pembrokeshire.

Among the findings, it was found:

- 1) That the environment at both sites, especially Napier, was impoverished, run-down and unsuitable for long-term accommodation.
- 2) Cleanliness at both sites was variable at best and cleaning was made difficult by the age of the buildings and some areas were filthy.
- 3) In September/October 2020, Public Health England had advised the Home Office that opening multi-occupancy dormitory accommodation at Napier was not supported by current guidance, and both they and Public Health Wales expressed concerns about the Covid-safety of the accommodation. Both sites were opened before Public Health Wales and Public Health England recommendations had been actioned. Indeed in January and February 2021 almost half the 400 inmates in Napier tested positive for Covid-19. True to form, Priti Patel blamed the outbreak on the inmates for not self-distancing. Since they were housed to 28 to a dormitory this was a tall order!
- 4) The Crown Premises Fire Safety Inspectorate told the Inspectorate of serious concerns about fire safety at Napier that had not been fully addressed at the time of the inspection visit.

- 5) Managers at both sites lacked the experience and skills to run large-scale communal accommodation.
- 6) The Home Office did not exercise adequate oversight at either site and Home Office staff were rarely present.
- 7) There were fundamental failures of leadership and planning by the Home Office, which had been slow to recognise the impact on residents of prolonged isolation in accommodation that was not designed for long-term stays.
- 8) Serious safeguarding concerns in relation to Napier. There was inadequate support for people who had self-harmed. People at high risk of self-harm were located in a decrepit "isolation block" which we considered unfit for habitation.

Following the report, Penally was closed permanently and the Napier Barracks was emptied, with the last residents leaving on the 2nd April, leading to hopes that it too was to be closed permanently; it was subsequently announced that a new contingent of asylum seekers would be housed at Napier on Friday the 9th April, which duly happened.

David Polden

ELBIT SIX TO FACE JURY TRIAL ON CONSPIRACY CHARGES



Five of the six defendants outside court

Six Palestine Action campaigners, Huda Ammori, Richard Barnard, Jocelyn Cooney, Caroline Brouard, Genevieve

Scherer and Robin Refualu, appeared at a pre-plea hearing at Highbury Magistrates' Court on March 31st at which they were bailed to appear for their plea and directions hearing at Snaresbrook Crown Court on 28th April, where they will face a jury trial at a later date. They are charged conspiracy to destroy or damage property, and conspiracy to commit burglary with intent to commit damage – all "without lawful excuse."

The charges relate to eight protests targeting Elbit's UK premises between June and September last year, which included their central London offices, a factory in Manchester, and offices of two of Elbit's landlords, LaSalle in London and Discovery Park in Kent. The six's bail conditions were that they did not return to these premises. The activists are accused of entering Elbit's offices, splashing red paint inside and outside their facilities and attaching posters outside. Prosecutors claim the damages amounted to

more than \$41,000. It is reported that the six say they intend to plead guilty on the grounds that they had a lawful excuse for their actions, that of preventing the war crimes that Elbit enables.

Speaking outside court Ammori said that "the real criminals are Elbit Systems who are making weapons used to kill".

MORE MILITARY SPENDING, MORE TRIDENT MISSILES, LESS AID

Military spending by the UK was given a boost last November, with a ring-fenced four-year programme that represented a "real-term increase of 10-15% in the defence budget: equivalent to some £4 billion more annually than had been promised", according to the Royal United Services Institute.

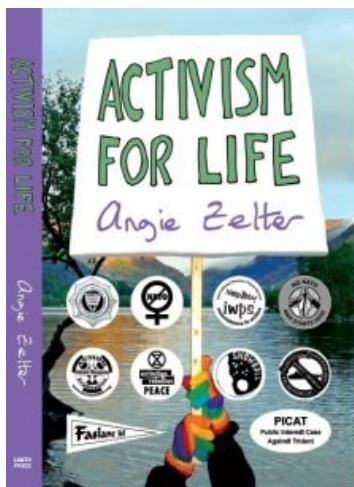
The UK's Integrated Review, published on the 16th March, abandons the UK's previous commitment of a cap of operational nuclear warheads set at 120, and raises the overall cap on the UK's stockpile from 180 to 260 - an increase of more than 40%. The UK says the move is necessary due to the "evolving security environment" without giving any evidence how more warheads will protect British citizens.

ICAN, the International Campaign to Abolish Nuclear Weapons, commented: "This unwarranted change of direction will be a huge blow to UK allies in the Non-Proliferation Treaty (NPT) of which the UK was a founder member 50 years ago [and remains one]" The NPT, which is set to meet later this year for a crucial five-yearly Review Conference, requires the UK and 190 states to work in good faith to prevent proliferation and accomplish the elimination of all nuclear weapons.

Meanwhile the government has announced that it is cutting the aid budget "temporarily" to 0.5% of gross national income, from the 0.7% it had previously committed itself to, that is about a reduction of £2.5bn this financial year. In the case of Yemen the aid budget to Yemen is slashed by nearly half, from £164m in 2019-2020 to £87m in 2021-2. This a country described by the UN and humanitarian agencies as suffering the worst humanitarian crisis in the world, a situation largely caused by military attacks by Saudi Arabia using weapons supplied by the UK.

"ACTIVISM FOR LIFE" BY ANGIE ZELTER

Reviewed by Jane Tallents



Angie has written a remarkable account of her campaigning life and shared some of the lessons she has learnt from her actions in many different countries. Heartfelt but clear, *Activism for Life* includes personal insights into mobilising for effective, sustainable nonviolent protest actions, dealing with security, police and courts and how seemingly different issues are actually closely intertwined.

She has designed and participated in nonviolent civil resistance campaigns and founded several innovative and effective campaigns. Her protests have been for a nuclear-free world that shares global resources equitably and sustainably while respecting human rights and the rights of other life forms. As a global citizen she has expressed her solidarity with movements all over the world. This has led to numerous arrests, court appearances and incarcerations. Angie has been arrested around 200 times, mostly in the UK, and in Belgium, Canada, France, Germany, Gran Canaria, Holland, Israel/Palestine, Malaysia, Poland and South Korea. She has spent over two years in total in prison awaiting trials on remand or serving sentences. All for nonviolent resistance protests. The author of several books, she is the recipient of the 1997 Sean McBride Peace Prize (for the Seeds of Hope Ploughshares action), the 2001 Right Livelihood Award (on behalf of Trident

Ploughshares) and the Hrant Dink Prize in 2014. She continues to actively confront the abuses of corporations, governments and the military.

You can **watch the online Book Launch** with Angie in conversation with Professor Paul Rogers, Emeritus Professor of Peace Studies at Bradford University on [YouTube](#)

You can buy this book from us (a bigger share of the proceeds goes to Trident Ploughshares that way). **It costs £12.99 plus £2.30 P&P Total £15.29**

By bank transfer: Account name: Trident Ploughshares; Account Number: 50113251; Sort Code: 08 92 50. In the reference put "Angie Activism." Then e-mail jean.oliver49@yahoo.com with your name and address.

By cheque: Send a cheque and your address to: c/o Jean Oliver, The Lodge, Main Street, Broughton, ML12 6HQ.

COMING EVENTS: The editor intends to resume this column in the next edition of this newsletter if the decline in the pandemic makes it more possible to plan for outdoor and indoor events in advance.