

NON-VIOLENT RESISTANCE NETWORK NEWSLETTER

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JURY FINDS COLSTON 4 NOT GUILTY OF CRIMINAL DAMAGE

On 5th January, after an 11-day trial, a jury at Bristol Crown Court found four people charged with criminal damage over the toppling of slave trader Edward Colston from his plinth in the city centre of Bristol on 6th June 2020 not guilty. This was by an 11-1 majority verdict after three hours of deliberation. This is a significant victory for the Black Lives Matter movement,

The four were Rhian Graham, 30, Milo Ponsford, 26, and Sage Willoughby, 23, charged with involvement in toppling the statue and Jake Skuse, 33, charged with involvement in the subsequent rolling of the statue to Bristol Harbour where it was thrown in the River Avon.█

None of the defendants challenged the allegations against them, but claimed their actions were justified, in the words of Sage, because Colston “was a racist and a slave trader who murdered thousands and enslaved even more.” In their defence the four called eminent professor of public history at Manchester University, David Olusoga, who testified that Colston was a shareholder in the Royal African Company (RAC) in the period when it shipped 84,000 African into slavery, including 12,000 children, of whom some 19,000 died on the journey. Colston was heavily involved in the company, rising to “deputy governor”, a position Olusoga said was equivalent to a modern chief executive. Olusoga also testified that RAC used the practice of “branding” the purchased African slaves, even children, who had “RAC” burnt into their chests to signify ownership.

The prosecution told the jury that the fact that Colston was a slave trader was “wholly irrelevant to the issues you have to decide in this case”. The jury however it seems disagreed.

The verdict outraged many conservative MPs, some arguing that toppling the statue was “destroying history”, though it could rather be said that the topplers were *making* history; if any history was being destroyed it was a history in which slave traders were treated as figures to be venerated. The Attorney General, Suella Braverman

announced she could refer the acquittal of the Colston 4 to the Court of Appeal. However many senior lawyers objected that this suggestion seemed politically motivated, pointing out that under the *Criminal Justice Act 1972*, the attorney general only has the power to seek the opinion of the court of appeal on questions of law or procedure (e.g. whether the jury had been misdirected by the judge on such a question or whether the jury had had been improperly selected or been tampered with), and certainly Braverman did not cite the point of law she considered might have been infringed. Barring that, it is a principle of English law that juries are the final arbiters of the verdict in a jury trial. Verdicts can't be legally challenged merely because the attorney-general, the government or any other body doesn't think they are the right verdicts, or even go against the judge's directions.

The further history of the de-plinthed statue is instructive. First of all, five days after its toppling it was fished out of the Avon, at 5.30am because the council said it was in part of a “working harbour” and the council “didn't want anybody to get hurt if there was a crowd there or anyone looking”. It was subsequently put on display in the city's M Shed museum in its damaged state, still partly covered with red paint, alongside information about the history of the enslavement of people of African descent. This is indeed how some of the defendants in the trial and others had said the statue should be treated.



The de-plinthed statue on display

It was decided that this exhibition should become permanent after the "We Are Bristol History Commission" recommended this after a city-wide consultation as to what should happen to the statue found that some 80% of those polled thought this should be how it should be dealt with and only 10% said it should be re-erected on the plinth.

So the removal of the statue seems to have been supported by public opinion in Bristol, at least after its removal was a *fait accompli*.

HOUSE OF LORDS REJECTS MAJOR PARTS OF POLICE BILL

On the 17th January the government suffered no less than 14 defeats during the third reading debate in the House of Lords of its Police, Crime, Sentencing and Courts Bill ("Police Bill").

Many of these concerned limits on the right to protest. Crucially, the Lords defeated, by 261 votes to 166, measures in the bill giving police new powers to stop protests in England and Wales if they are deemed to be too noisy and disruptive. The Lords also backed, by 238 votes to 171, a Liberal Democrat amendment to strip out of the bill measures to give police the power to impose conditions on protests on noise grounds.

The government was also defeated on measures to allow police to stop and search anyone at a protest without having grounds for suspecting them of any offence and to allow the courts to ban individuals with a history of causing serious disruption from attending particular protests. A new amendment to protect Parliament Square as a place of protest was passed.

Most of these are reversible when the bill is returned to the Commons because they represent changes to the bill. Asked on Radio 4's Today programme whether measures against noisy protests would be reintroduced, Dominic Raab MP, Secretary of State for Justice, said "We'll look very carefully at all of that, but, yes, absolutely. In relation to noise, of course we support the right of peaceful and rambunctious protest, but it cannot be allowed to interfere with the lives of the law-abiding majority."

The government also tried to add some new amendments of its own in the Lords, against normal parliamentary convention, introducing a series of new public order offences aimed at preventing a recurrence of last year's Insulate Britain and Extinction Rebellion protests.

The Police Bill, Gypsies and Travellers

The Police Bill introduces the new criminal offence of "residing, or intending to reside, on land without consent in or with a vehicle". The maximum penalty for this offence if individuals fail to leave when police order

them to, would be three months imprisonment and/or a £2,500 fine and, most pernicious of all, the police would have the powers to seize the property of those arrested, including their vehicles (i.e. their homes!), which seizure

These included measures which would make it illegal for people lock on to things as a means of protest, creating a new offence of obstructing the construction or maintenance of major transport works, make it an offence for a person to interfere with the use or operation of key national infrastructure, including airports, the road network, railways and newspaper printers and allow police officers to stop and search a person or vehicle if it was suspected such offences were planned. These were all defeated and cannot be reconsidered by the Commons as they weren't introduced there. They could however be re-introduced in a new public order bill.

The government also suffered a defeat over a separate issue when peers voted to make misogyny a hate crime in England and Wales by giving the courts the power to treat misogyny as an aggravating factor in any crime and increase sentences accordingly. This amendment introduced by Conservative peer Baroness Newlove, a former victims' commissioner, was added to the bill against the government's wishes.

Other amendments requiring police to tell the truth at public inquiries, demanding an urgent review into the prevalence of drink-spiking offences, scrapping the Vagrancy Act 1824, which makes it a crime to beg as well as to sleep rough, restricting the imposition of tougher sentences for blocking major roads and motorways rather than for all roads will also have to be considered by MPs when the (amended) bill is returned to the Commons, as it now has.

During the debate, several hundred people marched in London chanting "Kill the Bill" and protest drumming could be heard in the chamber from outside Parliament.

a court can make permanent if those charged with the offence are found guilty.

In the bill it says that this section applies to people of all ethnicities, but this is ingenuous, because clearly those intentionally targeted by this bill are travelling communities many of whom are of Gypsy ethnicity, so in effect this is a racist measure. Indeed it will make the

Gypsy and Traveller traditional way of life almost impossible, given that the duty of local councils to provide legal sites for Gypsies and Travellers to stay at was abolished in 1994; so they now have virtually nowhere they can legally stop when travelling.

MISOGYNY, RACISM AND HOMOPHOBIA FOUND IN THE MET

What about the police who would have to administer the new powers the Police Bill would give them in connection with demonstrations, gypsies and stop and search powers?

Can they be trusted to administer them fairly, as news continues to emerge of the unsuitability of many police and police forces for the task of policing society, following the kidnap, rape and murder of Susan Everard by a police officer?

In a report published at the beginning of February the Independent Office for Police Conduct (IOPC) found a culture of misogyny as well as racism and homophobia among Metropolitan Police (Met) officers. A group of some officers, based mainly at Charing Cross police station, were found to have shared messages about using violence on and raping women, as well as racist and homophobic messages, between 2016 and 2018. The

report also found that messages were exchanged about violence to the public in the course of their duty which the IOPC found amounted to bullying.

Moreover it was also found that there was also a culture of fear engendered among the police which stifled whistle-blowing.

In response the Met denied that a culture of misogyny existed in the Met, only admitting, “there will be a small number [of officers] with attitudes and beliefs that are not welcome; we will challenge, educate and discipline as appropriate” (i.e. The “few bad apples” defence). Following the report, 14 officers were investigated, with four being found guilty of gross misconduct of which two were sacked and one received a written warning. Four others were sentenced to “further training”. Hardly a cleansing of the Augean Stables!

JURIES CLEAR EIGHT XR ACTIVISTS OF DLR OBSTRUCTION

On December 10th 2021 six XR activists from the Christian Climate Action (CCA) group were found not guilty at Inner London Crown Court of obstructing an engine on the Docklands Light Railway (DLR), a crime under the Malicious Damages Act 1861, at Canary Wharf in April 2019. It was claimed that the obstruction delayed 15 DLR trains.

The six were Phil Kingston, 85, Dr Diana Warner, 62, Ruth Jarman, 58, Ian Bray, 54, Richard Barnard, 48, and Nick Cooper, 39.

In court five admitted that they had climbed on top of the train with banners, as shown in the photo alongside “Canaries refers to other XR protesters facing prosecution at the time). The sixth, Diana Warner, admitted glueing herself to a train window. In court the defendants justified their actions as a protest at the financial district’s funding of activities causing climate change, and claimed they were a lawful response to imminent climate breakdown and ecological collapse.

On 14th January, another jury at the same court found three other CCA activists, who had also stopped a DLR train, this time at Shadwell Station on 17/10/19, not guilty. The three were



The five on the train

Reverend Sue Parfitt, 79, Father Martin Newell, 54, and, once again, Phil Kingston. The three did not dispute that at 7am Kingston had super-glued his hand onto the side of the train and that the other two had climbed on top, resulting in a 77-minute disruption during morning rush hour, but they argued that they were lawfully exercising their right to peaceful protest under the *Human Rights Act*, characterising their temporary obstruction of the train as a proportionate response to the existential threat facing Earth's inhabitants.

It is noteworthy that in both trials the juries unanimously accepted the defence's justifications, casting a snook at the government's desire to stigmatise such direct action.

These are two of the first protest cases to be heard in the crown court following the Supreme Court's landmark "Ziegler" ruling that human rights such as the right to life and liberty and freedom of opinion and expression can under some circumstances justify acts that would otherwise

be illegal. In the above cases the jury must have judged that the reasons given by the defendants for their actions justified them obstructing many people using the DLR.

In another victory for direct action, Maria, who covered the entry way to the DSEI arms fair in September with red paint symbolising all the deaths caused by arms companies exhibiting (and selling) arms at it had the charge of criminal damage against her dropped the day before she was due to come before Romford Magistrates at the end of January. This followed a previous adjournment of the case.

JAMES BROWN RELEASED FROM PRISON EARLY

On December 8th three Appeal Court judges, including the Lord Chief Justice, ordered James Brown (below) to be released from Wandsworth Prison immediately on bail, while they reviewed his conviction and sentence.

James is a blind gold medal Paralympian who was given a 12-month sentence at Southwark Crown Court on 24th September, after being found guilty of "public nuisance" by glueing himself on top of a plane at London City Airport during Extinction Rebellion's October 2019 Rebellion. So he had served less than four months.

On 14th January the judges announced their verdict. While upholding his conviction, they cut his sentence to four months, which, given time off for good behaviour, meant that he was not returned to prison.



ELBIT SHUTS FACTORY AFTER SUSTAINED PA CAMPAIGN

Palestine Action (PA) was formed in summer 2020. It has since organised a direct action campaign against the 10 factories in the UK owned by Israeli company Elbit Systems, Israel's biggest arms company, which produces 85% of Israel's fleet of military drones.

In this continuing campaign, on December 6th, three activists were found not guilty of criminal damage through covering the walls of the Shenstone factory with red paint during a combined PA and XR action there in February 2021.

In his judgment explaining the acquittal at Newcastle-under-Lyme magistrates' court, Judge Marcus Waites said the Crown Prosecution Service had failed to prove that the conviction of the defendants would be proportionate to their right to protest and said the duration of the protest and disruption caused had been limited and posed no threat to public order. Clearly he was also influenced by the Ziegler case. The judge did add that this judgment did not set a precedent, but this is

just a statement of fact: judgments and verdicts in the magistrates' and crown courts never set legal precedents. Nevertheless the verdict was hailed by PA, quite understandably, as a "landmark" decision.

On January 10th, Elbit Systems announced it had sold its subsidiary Elbit Ferranti's factory in Oldham, which produced essential equipment for Israel's drones, to a British electronics firm.

PA claimed this as major success, since it followed a sustained campaign involving weekly protests there plus frequent other actions with activists occupying, blockading and damaging the factory and disrupting the factory's operation, resulting in 36 arrests. (As reported in previous issues of the *NVRN newsletter*.)

Three days after this announcement, PA activists broke into the *Unmanned Aerial Vehicle* factory at Shenstone, near Kidderminster in Worcestershire, aiming to disrupt work at the site. Drone components and engines are manufactured there for Elbit. The activists painted

slogans, including “Shut Elbit Down”, “Free Palestine” and “First Oldham, Next Shenstone” all over the factory. One activist was arrested on the site.

And on the 24th January activists again occupied the Shenstone factory roof, this time announcing it was in

support of the Palestinian residents of the Sheikh Jarrah district of East Jerusalem, who are facing ethnic cleansing by Jewish settlers and police.

INSULATE BRITAIN ACTIVISTS IN AND OUT OF PRISON

The campaign by the Insulate Britain (IB) campaign to blockade major roads to call attention to the need to insulate homes to help stop climate change and to help reduce energy bills for people with low incomes has continued. In the December/January edition of this newsletter I reported on the first hearings, held on 16th November, of IB protesters for contempt of court for breaching an injunction to stop road blockades. These resulted in prison sentences of between three and six months for the nine defendants. Two of those imprisoned went on hunger strike, Emma Smart, immediately on imprisonment, and Dr. Ben Buse from 25th November. Emma was moved to prison hospital after 13 days, before ending her strike after 26 days.

All nine have now been released after serving their sentences, except Ben Taylor and Dr. Ben Buse (see below).

On the 15th December another nine IB activists appeared at the High Court for breaking the injunction. Seven of them were given sentences of two or three months, suspended for two years, on condition that they do not break the injunction again during this time. Two others were given prison sentences, Dr. Ben Buse, already imprisoned in November, was sentenced to another 30 days and Dr. Diana Warner, who had turned up for trial the previous day because she was blocking a train heading for Drax coal-fired power station, was sentenced to two months. Costs of £39,000 in total were awarded against the defendants

In a third hearing on February 2nd at the High Court a further 16 IB protesters were sentenced for contempt of court for breaking the injunction. Of the 16, Theresa Norton, 63, Dr Diana Warner, 62, El Litten, 35 and Steve Pritchard, 62, were given custodial sentences of between 24 and 32 days for contempt of court after didn't attend the hearing on the previous afternoon but instead demonstrated their resistance by sitting outside the court, with hands glued together, until they were arrested.

11 others were given sentences of between 24 and 60 days, suspended for two years, and Ben Taylor, who was already in prison as a result of a previous conviction for contempt of court, was given an extra 32 days. Three others had had their cases dismissed the previous day because of lack of evidence.

On 7th February IB issued a statement acknowledging that their road blockading campaign had failed to get the government to commit themselves to a radical programme of insulation of homes and other buildings, so they were planning to organise a different and more ambitious campaign.



The five showing their resistance in front of the court entrance

HIGH COURT RULES ASSANGE CAN BE EXTRADITED TO US

Julian Assange is an Australian editor who, in 2010, published in Wikileaks leaks of US secret documents by Chelsea Manning exposing US war crimes in Afghanistan and Iraq. The US subsequently asked that Julian be extradited to the US to be put on trial for espionage. He was then sent to Belmarsh High Security Prison, because he was deemed an absconder risk, to await a decision on the extradition demand.

In January 2021 a district judge at Westminster Magistrates' Court ruled Julian couldn't be extradited to the US because his "...mental condition...was such that it would be oppressive to extradite him" to the US, given that he was likely to be held in isolation and procedures as described by US authorities would not prevent his potentiality committing suicide. He was then returned to

Belmarsh pending the hearing of a US appeal to the High Court against the refusal.

This appeal was heard in December, by which time Assange had served over 1000 days in Belmarsh. The High Court allowed the appeal, arguing that the district judge had based her decision on the risk of Assange being held in highly restrictive prison conditions if extradited; however assurances had since been received from the US that he would not be the case. The court then directed the case be remitted to Westminster

COMING EVENTS (On-line events not included)

February 19th, Manchester, 9am-7pm: “The 70-Year Hurricane.” Seminar marking the 70th anniversary of Britain’s first atomic bomb. At Pendulum Hotel, Sackville Street. Info: 020-3286 3988; www.tinyurl.com/peacenews3719

February 26th, London, 10am-noon: “SOS NHS.” Demo, supported by CND. Part of Day of Action for NHS. Info: <https://www.londoncnd.org>

March 2nd, London, 7-8pm: Annual Ash Wednesday Witness at the Ministry of Defence in Whitehall. Organised by Pax Christi, www.paxchristi.org.uk

March 5th, Birmingham, 10am-3pm: “The Work of Our Hands? Reconciliation in Turbulent Times.” Conference bringing together those working for peace and reconciliation in the UK. £15 (includes refreshments and lunch). At Quaker Meeting House, 40 Bull Street. Org. by FOR and Church & Peace. Info: 01865-250 781.

March 7th to May 1st, Didcot, 10am-8pm, Monday-Saturday: “Glorious Art of Peace.” Movement for Abolition of War presents an exhibition of art works and texts about the impact of war. At Cornerstones Arts Centre, 25 Station Rd. Info: www.cornerstone.arts.org; www.tinyurl.com/peacenews3726

March 11th, London, from 5.30pm: “No More Fukushimas.” Vigil outside the Japanese Embassy, 101-104 Piccadilly, marking the 11th anniversary of the Fukushima Disaster. Organised by *Kick Nuclear*; www.kicknuclear.com

March 12th, Didcot, 7-9pm: “Celebrating Women’s Voices in Protest.” An evening of song and poetry, with Frankie Armstrong, Sue Gilmurray and others. Part of “Glorious Art of Peace.” (See under March 7th)

March 19th, London: “March Against Racism for UN Anti-Racism Day.” Assemble noon, Portland Place. Org. by *Stand Up to Racism*. Info: tinyurl.com/peacenews3720

March 19th, Glasgow: March Against Racism for UN Anti-Racism Day.” Assemble 11am at City Hall Park for march to George Square for rally. Org. by Stand Up to Racism Scotland. Info: tinyurl.com/peacenews3720

Magistrates’ Court with the direction that the case should be sent to the Secretary of State for a final decision on whether Assange should be extradited.

However on 24th the very judge who had allowed the US appeal ruled that though Assange could not appeal to the Supreme Court directly, he would ask the High Court judges to rule on a point of law of general public interest that had arisen.

March 20th, Cardiff: March Against Racism for UN Anti-Racism Day.” Assemble noon, City Hall Organised by Stand Up to Racism Wales. Info: tinyurl.com/peacenews3721

March 23rd, London, 6.30pm: “War; How Conflict Shaped Us.” Lecture with historian professor, Margaret MacMillan. £15. At the Imperial War Museum, Lambeth Road. Tickets: tinyurl.com/peace_news3729.

April 1st, Didcot, 7-9pm: “War Peace and Care for the Earth.” With Frankie Armstrong, Iraqi Women Art and War Group and others. £5. At Cornerstone Arts Centre. Part of “Glorious Art of Peace.” (see under March 7th)

April 26th, Bromley, noon-3pm: Chernobyl Day stall in Bromley Market.

Every Tuesday, Menwith Hill, 6-7pm: vigil outside main entrance to US base. Org. by Menwith Accountability Campaign, <https://www.themhac.uk/>

Every Wednesday, London, 6-7pm: Women in Black silent vigil against militarism and war by the Edith Cavell statue in St. Martin’s Place, London WC2. Wear black. Inf: <https://www.facebook.com/womeninblack.london>

Every 2nd and last Friday each month, 11am-12.30pm: “No More Fukushimas.” Vigil outside Japanese Embassy, 101-104 Piccadilly. Organised by Kick Nuclear, www.kicknuclear.com

1st and 3rd Saturday each month, Kingston, 11am-2pm, in Kingston Market Place outside All Saints Church. Org. Kingston Peace Council/CND. If you want to help contact Angie Cooper, 020-8399 5537; angecooper47@hotmail.com

1st Saturday each month, Norwich, noon-12.30pm: socially-distance Vigil for Peace outside St Peter Mancroft Hay Hill.

1st Sunday of every other month, Menwith Hill (next: February 6th): Quaker meeting at main gate. Please bring chair. Org. Menwith Accountability Campaign. Contact Sarah, sswift64@gmail.com. (Check before coming)

2nd weekend, every other month, Friday to Sunday, Aldermaston: women’s peace camp.

Listings borrowed from *Peace News*, with thanks.

In short:

- 1) The Royal National Lifeboat Institution, Border Force and now the Royal Navy have in turn been called on by Priti Patel to carry out the policy of “turning back” refugees crossing to Channel and

all have in effect refused. What next? Cruise missiles?

- 2) Amnesty International, War on Want and UN Economic and Social Commission for Western

Asia have joined Israeli group B'Tselem in describing Israel as an apartheid state.