

LDMG UPDATE NOVEMBER 2004

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G8 Legal Group Set Up

A Dissent Legal Support Group has been set up to prepare for the actions against the G8 in Scotland next year.

The Group is currently meeting in both Scotland and London. Things are at a fairly early stage of planning, but the group is aiming to produce a guide to Scots law and what to do if you are arrested.

The Group is also making links with local lawyers and recruiting volunteer legal observers for the three days of protests.

To find out more or to get involved, come to the meeting at the Anarchist Bookfair, hosted by LDMG, between 12 and 1pm in Room 3A (on the third floor), drop by the LDMG stall or email us: g8legalsupport@riseup.net

LDMG at the Anarchist Bookfair

We will have a stall and host a meeting (see above) at this years Anarchist Bookfair on Saturday 27th November at ULU, Mallet Street, London. For more info see: <http://freespace.virgin.net/anarchist.bookfair/>

No Comment

Getting arrested is no joke. It's a serious business. All convictions add up. If there's a chance of you getting nicked, get your act together: know what to do in case you're arrested.

LDMG recently published the updated third edition of *No Comment, the Defendant's Guide to Arrest*.

You can download it from www.ldmg.org.uk or pick up your free copy from our stall at the Anarchist Bookfair. It is also available by post - send a self-addressed envelope with a 2nd class stamp to *No Comment, C/o BM Automatic, London WC1N 3XX*

Justice for Aubonne - The fight continues

A Swiss judge has ruled that no charges are to be brought against the police officer who almost killed the two climbers of the Aubonne Bridge Blockade against the G8.

A policeman had cut the rope from which two climbers were suspended, whilst blockading a delegation on their way to the G8 summit in Evian in May last year.

The investigation in the Canton of Vaud has lasted for 18 months and the final conclusion, released on the 22 of October, declares that the incident was the fault of the activists themselves, because they put themselves in a dangerous situation. The magistrate said that any mistakes the police made were understandable given the exceptional security situation during the G8 meeting and were outweighed by the temerity of the activists. The activists have appealed this decision to the higher court.

The judge's final declaration appears to have been written backwards, from the conclusion to the justification, and lacks logical reasoning, factual evidence and impartiality.

The activist's lawyer has stated that this decision gives a carte blanche to the police to do whatever they want without fear of any legal consequences.

The activists said they were not surprised by the decision given the history of police impunity in Switzerland and the general rise of repression of political dissent. They responded by entering the Chateau in Lausanne, seat of the government of Vaud, with a banner saying "Your cops are your responsibility!".

Both climbers will be affected by the policemen's action on the bridge for the rest of their lives. Martin Shaw will be disabled and will be unable to continue his trade, as an electrician. Gesine Wenzel suffered from severe post-traumatic stress disorder and had to have many months of therapy.

For more info:

<http://www.aubonnebridge.net/>

DSEi Terrorism Act Liberty Test Case

The appeal, brought by Liberty, concerned the lawfulness of being stopped and searched at the Defence Systems and Equipment International Exhibition

at the Excel Centre in Docklands by police officers acting under an authorisation made under section 44 of the Terrorism Act 2000 ("the Act").

It was a major test case on the use of these stop and search powers.

The combined effect of sections 44 and 45 is that, after an authorisation is given by a senior cop under section 44, a cop in uniform will be able to stop and search vehicles and persons without there being any precondition of reasonable grounds of suspicion. Each authorisation must be given for a specific period of time, and in no case can a period be greater than 28 days. The Home Secretary must decide whether or not to confirm the authorisation. It is an offence under section 47 not to stop when required to do so or to interfere with the exercise of the power.

A major revelation during this case was that there is in fact a "rolling programme" of successive authorisations in London, which have been taking place since the coming into force of the Act on 19 February 2001. In other words, every day the cops have the power to stop and search under the Terrorism Act.

Liberty argued that the authorisation made by the police and confirmed by the Home Secretary was unlawful; that the use of stop and search powers under the Act thwarted or frustrated the legislative purpose of the Act (i.e. to prevent terrorism); that there was a breach of the European Convention on Human Rights because the authorisation was not made public so the citizen could do nothing to "regulate their conduct to avoid being stopped and searched"; the authorisation and the use of powers under it, against peace protestors, are not a proportionate means of achieving the legislative purpose of preventing acts of terrorism. Interference with human rights had not been minimised. The power was being used as if it were "part of day-to-day policing on the streets of London".

Not surprisingly, the Court of Appeal relied on "the scale of terrorist incidents around the globe [which] is so well known it hardly required evidence to establish that this country is faced with a real possibility of terrorist incidents".

The cops therefore are free to authorise the use of section 44 stop and search powers, providing they are confirmed by the Home Secretary. They can be authorised as part of a rolling program, so that they are constantly available to the cops. However care must be exercised in the use of the powers. Cops must receive carefully designed instructions on their use. It is for the cops to show that the interference is lawful and, in this case, they failed to do so. The evidence showed that "remarks were made that suggest that the powers could have been used in order "to police" the protest". This is not a lawful use of the power.

Stop & Search

The police can only give you a pat down, remove outer clothes (eg jacket, hat), search your bags and have you empty your pockets

You do **not** have to give your name and address

You do **not** have to answer any questions

You do not have to comply with any attempt to photograph or video you.

DNA data cannot be collected during the search

Women cannot be touched by male police during these searches

Ask the police for the reason that they are searching you. Make notes about the officers searching you - number and police force and note the specific wording used by the police to explain their authority to search you.

Fairford Coach Action Appeal

In March 2003, because Fairford was the only base in the UK from which US bombers were actively flying bombing missions to Iraq, it was the focus of anti-war protests.

One group of protestors travelling in three coaches from London were stopped, searched and detained for nearly two hours before being forced back to London under a heavy police escort “to prevent a breach of the peace.” The police argued that this was justified because the protestors were, in their view, “well-armed”.

The initial court ruling in February 2004 had a mixed result – both sides won separate aspects of the decision. The coach passengers appealed the part of the ruling that said they had no right to proceed to a lawful demonstration after they were stopped and searched. The police appealed the aspect of the ruling which said they unlawfully detained the passengers on the three coaches while they forced the coaches to return to London.

We still do not know the final outcome of the case, but the Fairford Coach Group remains optimistic. The ruling will be given in open court, probably in November 2004. A demonstration will be held. See the website for details: www.fairfordcoachaction.org.uk