



Naming the Dead in Whitehall

SOCPA Trial

by Genny Bove

“The name reading began at 9am – one name every 30 seconds – Iraqi people and British soldiers. So many lives lost. So little time spent remembering the things our government would have us forget.” From an account of the ‘No More Fallujahs’ action last October, following which at least 12 people were charged with criminal offences under the Serious Organised Crime and Police Act 2005.

VERY MANY THANKS to everyone who gave money towards my expenses for this trial. We were awarded costs, so all your donations (£120) will be given to Voices UK for their peace work.

Letter to the Press

This letter was printed in the Guardian and the Times on Friday 14 September, the day of our trial.

Today we the undersigned will stand trial for the ‘crime’ of attending an ‘unauthorised’ peace camp in Parliament Square, held to mark the second anniversary of the November 2004 US/UK assault on the Iraqi city of Fallujah.

That attack killed hundreds of civilians and left thousands more homeless. US forces used white phosphorus - a substance that burns down to the bone - as a weapon.

Moreover, Fallujah was just the tip of the iceberg: in October 2006 a peer-reviewed survey published in the Lancet estimated that 186,000 civilians had been killed in Iraq by US/UK forces since the start of the 2003 invasion.

Recent government spin has suggested that Gordon Brown is keen to overturn the legislation under which we were arrested or reported (the Serious Organised Crime and Police Act) and allow activists to protest against the war unimpeded.

The reality is that those of us who have sought to highlight atrocities in Iraq have repeatedly been prosecuted by the courts. It is not we who are the ‘serious and organised’ criminals, but the politicians who have perpetrated this brutal, illegal war.

Brian Barlow, Steve Barnes, Genny Bove, Rob Clohesey and David King

Nearly six months after the No More Fallujahs action, I received a summons. At the first court hearing in May I arranged to have my case joined with four others, and our joint trial was set for Friday 14 September at Horseferry Road Magistrates Court, five minutes walk from Parliament Square.

I wasn’t optimistic about our chances of acquittal, especially as several others at the same event had already been convicted of taking part in an ‘unauthorised’ demonstration under the Serious Organised Crime and Police Act (SOCPA) 2005. The maximum penalty for this offence is £1,000 fine, which I wouldn’t have paid on principle, so my biggest concern was how to keep the bailiffs out of the house. After making investigations through the Advisory Service for Squatters (ASS) and the Activists Legal Project (ALP), it seemed that the best thing would be not to own anything, so I typed up a list of all my possessions and made an unconditional gift of them to my partner. Then I had to consider the strong possibility that eventually I’d be sent to prison – offences which don’t carry a custodial sentence become imprisonable when fines aren’t paid, which is why so many peace campaigners end up in jail. While I was thinking about this, Milan Rai was imprisoned for refusing to pay a fine relating to an earlier SOCPA conviction, which rather brought the reality of the situation home to me.

Next, I turned my attention to preparing a defence, for which I needed some legal help. I had looked at the possibility of applying for legal aid, and would probably have qualified for this as I have a very low income, but there was a huge form to fill in with loads of personal and financial details. I was planning to refuse to give details of my financial

circumstances to the court – which is now another criminal offence, incidentally – and I decided in the end that I did not want to supply this information to the state just so I could be represented by a solicitor in court.

Instead, I looked at the defences Milan Rai and Maya Evans had used in their trial, printed out the ALP briefing on court procedure and a copy of SOCPA, studied the Crown Prosecution Service (CPS) website and had a quick look through the prosecution witness statements. We had agreed at the pre-trial hearing not to call the police prosecution witnesses to court which meant we had, in effect, agreed not to challenge their statements. This was because we weren’t planning to argue over whether we were at the demonstration or not. Our defences would rely on a mixture of legal and moral arguments to – hopefully – explain why our actions were justified.

In London, the day before the trial, I spent the morning in the court to familiarise myself with layout and procedure and to work out who was who. This was hugely helpful and after a few trials, I started to understand what was going on. I watched in horror as defendant after defendant stood trial, caged in a glass box at the back of the court while their fate was decided between the defence and prosecution lawyers and the magistrate. In most cases, the defendants seemed superfluous to the whole process, and I’m sure many of them had no idea what was going on between the legal bods huddled at the front with their backs to the defendant, especially since most of the the mics. seemed to be out of action. I decided that, whatever else might happen in court the next day, there was no way I was going to defend myself from inside a glass box.

No Case to Answer



Decorated tents at the Parliament Square Peace Camp

Leaving the court, I headed for Parliament Square. I wanted to talk with Barbara Tucker at Brian Haw's Peace Camp. Barbara has extensive experience of SOCPA and has represented herself in joint trials. She was at the High Court that day seeking a judicial review of SOCPA, but I caught up with her, got the gist of a human rights submission we might use, spent the afternoon on the internet in the library and met up with her again in the evening to get my facts straight and talk things over. Barbara reckoned that the magistrate would try to silence us at the earliest opportunity, but said it was important that we presented our case because we could then use those points as a basis for appeal if found guilty.

Back in court the next morning, we were all ushered into the glass box protesting vociferously. I couldn't hear and said so, and made sure I spoke quietly so it would be hard for the court officials to hear me. I decided I'd have to step outside the box and ask for us all to be allowed to sit elsewhere, only to discover we'd been locked in! The magistrate sensibly suggested we should sit in the main court area, and we spent the rest of the trial alongside and behind the prosecuting lawyer, which was much more satisfactory.

I was surprised and pleased that, far from being instantly silenced when I got to my feet to make the submission, I was allowed to explain the argument fully and without interruption. I sat down, the prosecutor asked for an adjournment to look up some case law as this had been 'a complete surprise', and asked whether we had any other points to

raise. I stood up again and outlined an argument that the CPS should never have brought the case as it couldn't possibly have passed their 'public interest' test. This also gave an opportunity for us to talk a little about the events we'd taken part in, our motivation and our dismay that we were being treated as criminals for remembering the dead.

Adjournment over, the prosecutor produced the High Court judgement from Mil and Maya's appeal. I didn't and don't think that this was relevant to the specific points we had made, but was overruled and the case went ahead, with the prosecutor also assuring us that cases are always tested for 'public interest'. Ho ho. The prosecution case was farcical, helped along by a magistrate who for reasons unknown - but I have my suspicions - had decided to take issue with every bit of evidence presented by Ms Summers. The date was wrong on David's summons so his case was dismissed forthwith. The magistrate wasn't satisfied with the notices and maps issued by the police; there was no proof that we'd been given the notices in any case; he refused to allow a late witness - a high ranking police officer - to give evidence; he didn't accept that it was proven that the demonstration was unauthorised. At the end of the prosecution case, we just submitted that there was no case to answer and that was that - case dismissed, we were awarded costs and were free to go. It was 4pm.

If you want to read a fuller account of the court proceedings and our submissions, you can find these on the WPJF blog at <http://wpjf.blogspot.com>

Letter to the Press after the event

The newspapers weren't so keen to report back after the event, although this information should clearly be in the public domain. The Daily Post did a fair write-up and this letter was printed in the Morning Star.

I was one of five defendants tried in London on Friday for a 'serious organised crime' - remembering British soldiers killed in Iraq by reading out their names in Whitehall during a peaceful event last October to mark the anniversary of the UK/US assault on Fallujah in Nov. 2004.

In court we submitted that:

(a) the Serious Organised Crime and Police Act (SOCPA) is incompatible with human rights law because the wide discretionary power it gives police to restrict our freedom of expression does not have appropriate safeguards against abuse in the form of clear guidance and procedures.

(b) the case should not have been brought by the Crown Prosecution Service because it was not 'needed in the public interest', would not 'reduce crime or the fear of crime', nor 'provide value for money.'
(www.cps.gov.uk)

Despite these submissions the trial was allowed to go ahead, whereupon the Crown amply proved our second point and lent weight to our first by presenting a prosecution that was ill-prepared and shambolic, which failed to provide evidence that there was a case to answer and demonstrated that the enforcement of SOCPA legislation is problematic and ultimately unworkable.

All charges were dismissed, but not before four hours of court time had been wasted, and a 'high-ranking police officer' had been called away from his duties in a desperate attempt to bolster the Crown's failing case...

Public funds - our taxes - are being squandered by the CPS bringing political prosecutions against peaceful people under SOCPA. I call on Gordon Brown to take steps to repeal this unjust Act of Parliament and to restore our proper right to freedom of expression.