

First they came for...

by Chris Dowdeswell

There are serious implications for freedom of the net and civil rights as animal rights activist Sean Kirtley is jailed for 4½ years.

Following a lengthy police investigation and an 18-week trial costing over £4.5 million, the operator of a website criticising animal testing company Sequani, has been jailed for four and a half years for organising a legal protest.

The press were barred from reporting the trial, witnesses were bussed into the court and mobile phones were even confiscated from the jury and the public before they entered the gallery. The atmosphere was more akin to a terrorist trial than one relating to non-violent protest, which made the charges appear far more sinister than they in fact were. The choice of judge was also considered highly questionable, considering he is a keen hunter.

Sean Kirtley was found guilty under Section 145 of the Serious Organised Crime and Police Act (SOCPA) for *interfering with the contractual relationships of a Laboratory* by allegedly organising protests at Sequani Ltd and business associates. Police say disorder took place on occasions during protests and claim that, as the organiser, Sean is responsible for any criminality that occurred.

The police claimed that during the protests individuals, not Kirtley, had been verbally abusive to staff members and that they had caused them to feel harassed. However, no one was arrested or charged with such an offence, and prosecution witnesses testified that Kirtley had on most occasions been silent and peaceful throughout protests. Whilst Kirtley contends he did not organise protests at Sequani or its suppliers, he operated a website which effectively campaigned against the company. In a move that will alarm internet publishers and bloggers, posting details of the legal protests and information about Sequani and suppliers was considered key evidence that he was the campaign organiser.

As the supposed organiser of the legal protest, Kirtley has therefore been convicted because of supposed actions by phantom third parties that

Sean had conspired with or, as the law states, 'persons unknown'. No evidence was used in the trial that proved he had engaged in anti-social behaviour on demonstrations, criminal damage or any other illegal activity.

Kirtley will now be incarcerated for far longer than most dangerous criminals. It appears that after such an expensive and extensive investigation, the CPS needed a conviction to justify such a huge expense of public money. Even then, the sentence passed was unusually severe. Child abusers, rapists and violent criminals are often given far lower sentences for far more serious crimes. In the same week, in two other high-profile cases, a man was given a similar sentence for causing the violent death of his baby son, and two brothers were jailed for only two years for committing serious assault that permanently blinded their victim.

The five other defendants were found not guilty, yet the Judge refused to award significant travel costs to them, totalling many thousands of pounds. Even though Pauline Burgess was found not guilty, she was bound over by Judge Ross, who prohibited her from joining in the legal protests against the company for a year, and threatened her with a £1,000 fine on any occasion that she does.

The trial has serious implications for the freedom of the internet and civil liberties in this country. A precedent has now been set that simply publishing details or sharing information about a protest can be used as evidence that the publisher is the organiser of the event. Worse still, someone can be locked up under SOCPA for an extended period of time for simply organising a legal protest in which, according to hearsay, someone else committed an offence.

Kirtley will be lodging an appeal. His defence lawyer said: *This case sadly goes to show that animal rights campaigners have been singled out and ordinary criminal law principles have been contorted simply because, in the Government's eyes, powerful commercial interests, founded on*



Sean Kirtley. Two fingers to the establishment for taking his liberty

animal experimentation, are at risk from effective, open and popular protests.

West Mercia Police spent 2% of their budget pursuing the investigation and the trial. In this period, violent crime and robberies increased (in 06/07) compared with the previous year. The trial has been the longest Animal Rights trial in history and has been one of the longest trials West Mercia police have ever been involved in.

The case is also extremely relevant in the light of upcoming 'terror legislation' because it demonstrates mission creep - how the SOCPA law, enacted under the pretext of protecting the public from terrorists, is now being used to silence non-violent protesters.

Section 145 of SOCPA (2006) is related to *interfering with the contractual relationships of a Laboratory*; this is an extension of the original SOCPA legislation, enacted in 2005 under the pretext of protecting the government from terrorism. The Act is increasingly being used to prevent those protesting peacefully against the government or commercial interests, with peace activists, environmentalists and animal rights activists the main targets.

A new campaign against animal experimentation at Sequani has been started by other activists here:

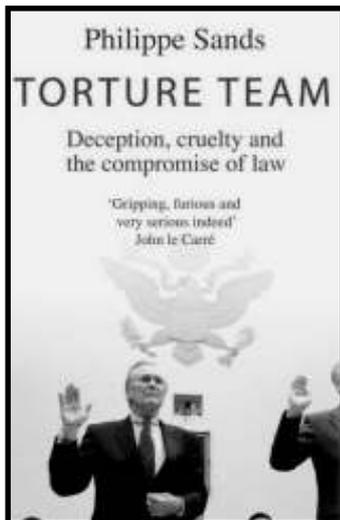
<http://sequani.wordpress.com>

PRISONER SUPPORT
Please take the time to write to Sean:

Sean Kirtley WC 6977,
HMP Blakenhurst,
Hewell Lane, Redditch,
B97 6QS

Torture Team - book review

Michael Still



Torture Team
by Philippe Sands
Pub. Allen Lane £20 hardback
ISBN 978-1-846-14008-2

Philippe Sands (a barrister and Professor of Law at University College, London) draws a map in words of how some US politicians and officials altered long-established rules and methods of interrogation so as to make a torture team. He has interviewed many of those involved and researched their backgrounds and contexts. He follows labyrinthine trails in necessary detail and intersperses his text with extracts from the official Interrogation *Log of Detainee 063* (Mohammed al-Qahtani) produced in Guantanamo and later published in *Time* magazine.

Sands shows how, by selecting advice on legal matters from some and by keeping others out of consultation loops, orders can be given which are contrary to international law, US laws and current good practice in civil and military intelligence gathering.

After the awful events of 9/11, US intelligence officials were pressed (by their own sense of self-worth and by those to whom they were accountable) to find how to prevent similar atrocities. Politicians found compliant lawyers to frame memoranda which permitted aggressive interrogation. Cruel and unproductive sessions followed.

The better features of US military and justice structures later helped to reveal what was happening, but it is

easier to permit abuse and torture than to eliminate them. Sands shows that Guantanamo and Abu Ghraib were linked; techniques first permitted in the former were used in the latter.

I did not find the book an easy read. It necessarily has much detail of administration processes. People skilled in such matters would digest it better than I can; they could help us all by reading the book.

I can see, though, that the book has important lessons for us about the value of:

- international law of human rights;
- using proper, thorough, open procedures in our justice systems;
- listening to unwelcome as well as to welcome advice;
- trying to check that legal advice accords with the disciplines of that profession;
- good investigative journalism (the publication of the interrogation log and other);
- thorough scrutiny of good and bad practices;
- the advantages of constantly working for a humane culture.

Sands, and others, mention Fox TV's '24' programmes which, they say, show torture as sometimes justified (a view which contrasts with President Lincoln's 'Military necessity does not admit of cruelty'). A Pentagon battlefield survey in Iraq found that more than a third of US troops believed torture was acceptable. Many others around the world seem to agree. Would they change this belief if they knew that torture is an international crime and those who do it might be prosecuted in and beyond their nation?

How do we feel about holding to account those who authorise torture as well as those who do it? How do we feel about immunity from prosecution for torturers?

Postscript: The final item in the book's Chronology of Events: *2001, 11 February: US Department of Defence announces that al-Qahtani has been charged with a number of criminal offences, including murder in violation of the law of war, attacking civilians and terrorism, and that it is seeking the death penalty.*

You might find that reading all the chronology first helps to grasp details in the book.

Questions which might be asked in letters to MPs

1. You might wish to welcome the government's opposition to torture, then explain that you understand that information obtained through torture cannot be used in UK courts. **Can torture-induced information be used by UK officials for non-judicial purposes?**
2. The US government permits its officials to use interrogation techniques not allowed to UK officials. The US and UK share intelligence. **How can our government be sure that intelligence passed to it from the US has not been obtained by torture?**
3. **Can our government give verifiable assurances that no more 'rendition' flights will be allowed to use airports on British territories?**
4. **Has the government considered giving financial and other support to the Medical Foundation for the Care of Victims of Torture?**

USEFUL CONTACTS

Quaker Concern for the Abolition of Torture (North Wales)
clcyndu@aol.com

Amnesty International UK
www.stoptorture.org
0207 033 1500

Medical Foundation for the Care of Victims of Torture
www.torturecare.org.uk
111 Isledon Rd, London NW7 7JW

World Organisation Against Torture
www.omct.org

Association for the Prevention of Torture
www.apt.ch

Quaker United Nations Office
www.quno.org