
PARTIAL VICTORY IN FAIRFORD COACH CASE

Last March about 120 demonstrators from London were on the way to RAF Fairford when their three coaches were stopped by Gloucestershire Police at Lechlade, several miles from the air base. The protesters were detained for over two hours, searched and forced back on to the coaches, which were then escorted back to London. The police allowed the coaches no stops on the journey.

The protesters sought a judicial review of the legality of the police action; this review reported in mid-February. The barrister for the coach passengers argued that the police's actions were not authorised by the common law or any Act of Parliament, and in fact violated three fundamental Human Rights now enshrined in UK law under the Human Rights Act: freedom from arbitrary detention; the right to assemble to protest; and freedom of speech.

Two High Court judges ruled that although the protesters had been unlawfully detained, the police had been within the law to stop them from reaching Fairford, because of fears that a breach of the peace may have occurred. The police justified their decision on the grounds that the protesters were "well armed" with two pairs of scissors, a cardboard tube and a distress flare; however the judges ruled that these items were not "offensive."

Home Secretary David Blunkett notoriously claimed that the protesters had been armed with "swords and cudgels" but these seem to have disappeared.

The case was brought in the name of one of the protesters, Jane Laporte, whose solicitor said: *"The court ruling that there was unlawful and arbitrary detention is welcome and severely restricts the use of a draconian power which Parliament has never debated or sanctioned. This was not a case of 'rounding up the usual suspects'. No crime had been committed. What the police did was to detain on the flimsiest of pretexts. The court has laid down a firm marker that this must not happen in future."*

However it should be noted that the judges agreed that the police were entitled to prevent the demonstrators from attending a peaceful and lawful action, a dangerous threat to our civil liberty of democratic protest.

Both sides were given leave to appeal against the judgement, and there may be damages awarded to the detained protesters.

Web links:

www.fairfordcoachaction.org.uk
www.liberty-human-rights.org.uk



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