

Anti-war protesters' rights breached, court told



📷 Anti-war protesters want the law lords to rule that police had no right to detain them from attending a mass rally at RAF Fairford in March 2003. Photograph: Scott Barbour/Getty

Staff and agencies

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Police displayed an "exorbitant and disproportionate use of powers amounting to false imprisonment" when they stopped 120 campaigners heading for a mass rally against the [Iraq](#) war, Britain's highest court was told today.

Ben Emmerson QC, representing the protesters, said it was a fundamental right in Britain for citizens to gather to demonstrate peacefully on matters of public interest.

He told the law lords it was the responsibility of the police to maintain public order "in a manner which fully respects the rights of those who wish to demonstrate peacefully".

Police who authorised two coachloads of protesters to be stopped and passengers searched while being detained - and then forced back to London under heavy escort - had breached that right, he said.

The demonstrators were prevented from attending a mass rally at RAF Fairford in Gloucestershire two days after coalition forces launched the Iraq war from the air base in March 2003.

Police from seven forces acting under the direction of Gloucestershire constabulary stopped the coaches outside Lechlade, near Fairford. Ninety of those detained formed the Fairford Coach Action to try to seek judicial condemnation of the police.

They say that although the high court and court of appeal ruled the police acted unlawfully in detaining them on their coaches, it was ruled that the police did not violate their right to freedom of movement and lawful assembly.

The law lords are being asked to overturn that ruling during the three-day hearing which began today.

Mr Emmerson said the police had behaved in a way that was "premature and indiscriminate". He said that in order for the police action to be lawful, they had to show that there was an imminent danger of public order offences.

The action was allegedly premature because 120 people who wished to take part in the demonstration were turned away when the police knew there was no imminent danger of disorder.

Mr Emmerson said it was discriminatory because the police took action against a large number of people because of the "perceived intention" of some individuals.

"We say it was beyond the scope of the powers that the officers had available to them. The decision to detain passengers on the coaches and to force them to return to London was an exorbitant and disproportionate use of powers amounting to false imprisonment."

He said the police who took the action knew that they had exercised powers to limit the area where the demonstration would take place and anyone found near the 13-mile perimeter fence at the base could be arrested.

Lord Woolf, the lord chief justice at the time of the Fairford appeal ruling, said the passengers were "virtually prisoners on the coaches for the length of the journey" back to London, which took more than two hours.

The passengers had already been held for two hours while they were searched.

The police are defending their actions and their lawyers are expected to argue that rather than interfering with the passengers' human rights, they were upholding them by protecting their lives which would have been put at risk if they had broken into the air base.

The hearing continues.
