

Campaigners' victory as law lords uphold right to protest

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Anti-war campaigners scored a landmark victory yesterday when five law lords unanimously upheld the right to protest and ruled that police had acted unlawfully in detaining [Iraq](#) war protesters and forcibly turning them back.

Lord Bingham, the senior law lord, said the Human Rights Act had brought about a "constitutional shift", creating for the first time a right to protest which previous law had been "reluctant and hesitant" to acknowledge.

In what Amnesty International called "a case of fundamental importance for the right to freedom of expression and peaceful protest", the lords allowed an appeal by the protesters, who had been stopped from attending a rally at RAF Fairford in March 2003, hours before the Gloucestershire base was used for bombing raids on Iraq.

The high court and court of appeal had ruled that Gloucestershire police were within their rights in turning the coaches back, acting unlawfully only in detaining the passengers for two hours.

But the law lords ruled that both actions were unlawful and that freedom of expression was "an essential foundation of democratic society".

Lord Bingham said the case had raised "important questions on the right of the private citizen to demonstrate against government policy and [on] the powers of the police to curtail exercise of that right".

Jane Laporte, one of 120 passengers returned to London by police after being stopped in Lechlade, Gloucestershire, said: "I am absolutely overjoyed. The Lords have confirmed that freedom to protest is something that should be treasured in this country and police don't have the right to take it away."

The test case against the Gloucestershire police was brought in her name after the campaigners, who went in three coaches to the authorised demonstration, were stopped and searched, then asked to re-board the vehicles. The coach doors were sealed by police, who escorted the vehicles in convoy back to London and would not allow toilet stops, causing what Lord Bingham described as "acute physical discomfort and embarrassment" to many of the women.

John Halford, of the solicitors Bindman & Partners, said: "The House of Lords judgment is a wake-up call for democracy." Gloucestershire police said they were disappointed at the judgment, which they described as "problematic" in relation to policing a wide range of events where there was potential for disorder.

But Alex Gask, of the human rights group [Liberty](#), said: "Nothing less than our freedom of speech was at stake ... Unmerited concerns [of the police] about some future 'breach of the peace' cannot justify the denial of this fundamental right."

Lord Bingham said that it was not reasonable "to anticipate an outburst of disorder" at the event given that the police would be in close attendance and well able to identify or arrest any suspects.
