

LIBERTY

PROTECTING CIVIL LIBERTIES
PROMOTING HUMAN RIGHTS

CASUALTY OF WAR

8 weeks of counter-terrorism
in rural England

A report by Liberty, Gloucestershire Weapons Inspectors, and Berkshire CIA July 2003

“With international attention focused on Iraq, countries which already have a dubious human rights record have seen this as a window of opportunity to crack down harder under the cover of war.”

- **Neil Durkin, Amnesty International**

“It cannot be right that the only way to fight dictators abroad is by dismantling democratic freedoms at home.”

- **Shami Chakrabarti, Liberty**

EXECUTIVE SUMMARY

This report looks at the policing of recent peace demonstrations at RAF Fairford, RAF Welford, and other military bases during the recent invasion of Iraq. It is based on documentation and testimonies given to Gloucestershire Weapons Inspectors and Berkshire Citizens Inspection Agency by those involved in these protests. It does not purport to be a complete record of all incidents and policing methods used during these demonstrations. However, it brings together enough threads and case studies to raise very serious concerns about restrictions on the right to lawful protest and, in particular, the use of anti-terrorist powers in circumstances where no terrorist threat was present. This raises important questions about not only the chilling effect that counter terrorist legislation has had on the right to protest, but also about the efficacy of such powers. As a consequence of the use of anti-terrorist powers detailed in this pamphlet, not a single member of Al-Qaeda or any similar terror network has been apprehended.

This report – which has been prepared by Gloucestershire Weapons Inspectors and Berkshire CIA and supported by Liberty - highlights conflicts which arose between policing methods and the right to demonstrate peacefully.

The report documents evidence of:

- use of anti-terrorism laws to police peaceful protesters
- unreasonable and inconsistent treatment of peace protesters

- unlawful detention of large numbers of protesters travelling to demonstrate
- apparently deliberate and concerted attempt to prevent lawful protest
- numerous breaches of articles of the European Convention on Human Rights relating to liberty and security, privacy, freedom of expression, and freedom of assembly.
- Parliament being presented with a rather different picture of events

The report concludes that policing at military bases during the invasion of Iraq breached a number of human rights specified in the European Convention on Human Rights. A number of recommendations for safeguarding human rights are proposed and it is recommended that the House of Commons Select Committee on Home Affairs investigates the policing of demonstrations at military bases during the invasion of Iraq. We also urge Lord Carlile QC, the independent reviewer of Britain’s terrorist legislation, to consider the evidence and recommendations in this report.

Liberty works to protect civil liberties and promote human rights in England and Wales. Founded in 1934 it is the largest organisation of its kind in Europe and is democratically run.

Liberty believes in a society based on the democratic participation of all its members and on the principles of justice, openness, the right to dissent and respect for diversity. Accordingly we aim to secure the equal rights and liberties of everyone (insofar as they do not infringe on the rights and liberties of others) and oppose any abuse of excessive use of power by the state against its people. We also recognise that the erosion of civil liberties often begins with attacks on the rights of those who are marginalised within society - such attacks undermine the rights of us all.

Liberty pursues its mission by:

- Lobbying, campaigning and media work
- Direct assistance and test cases
- Research and policy development

Gloucestershire Weapons Inspectors - a newly formed group (Sept 2002) of concerned citizens who aim to eliminate weapons of mass destruction from Gloucestershire.

Berkshire Citizens Inspection Agency (CIA) are a group of Berkshire residents who are concerned about military establishments in the county where weapons of mass destruction are manufactured and stored. The group was set up in early 2002 and has conducted a series of unofficial 'citizens weapons inspections' at these establishments with the aim of challenging their legitimacy and alerting the public to the presence of weapons of mass destruction in the United Kingdom.'

INTRODUCTION: THE ROAD TO WAR

“We’re non-violent protesters and we believe we have a right to protest. But what we’re seeing at the moment is the wholesale destruction of democracy”

Dave Cockcroft, Gloucestershire Weapons Inspector

‘War hides worldwide human rights abuses’ screamed a headline in the ‘Metro’ free newspaper at the height of the invasion of Iraq. Beneath the headline the story explained that the media focus on the invasion of Iraq had allowed many unscrupulous nations to grab the chance to clamp down on home-grown dissent. Neil Durkin of Amnesty International told readers: “With international attention focused on Iraq, countries which already have a dubious human rights record have seen this as a window of opportunity to crack down harder under the cover of war.” Zimbabwe, Cuba, and Egypt were spotlighted as the principal villains, with Turkey, Yemen, Sudan, Colombia, Nepal, and the USA also cited as offenders (1).

Readers of the newspaper article who had joined protests against the US-UK led invasion of Iraq might have been forgiven for asking why the United Kingdom had been omitted from Metro’s list. For the previous month the area surrounding military bases at Fairford in Gloucestershire – temporary home for a squadron / flight of B-52 bombers engaged in the ‘Shock and Awe’ blitzing of Iraq - and Welford in Berkshire, one of the largest bomb stores in Europe, had become subject to intense policing with the right to protest becoming a casualty of the war.

Protests at Fairford had commenced several months before the invasion of Iraq, when the international spotlight was on Hans Blix’s United Nations team who were searching Iraq for hidden weapons of mass destruction. Gloucestershire Weapons Inspectors, a group of local citizens concerned about the silence surrounding weapons of mass destruction held by the governments of the United States of America, United Kingdom, and other member states of the United Nations Security Council, decided to conduct their

own inspections at the Fairford base. The numbers of such “citizen inspectors” visiting Fairford grew rapidly over a number of successive visits, with several hundred demonstrators joining inspections at the base in December 2002 and January and February 2003. The day before the arrival of B-52 bombers at Fairford on March 3rd a peace camp was established outside Gate 10 of the base, and a ‘peacewatch’ was maintained continuously at the base until the bombers left at the end of April.

At Welford, where bombs for aircraft deployed at Fairford are stored, events followed a similar course. A local group naming themselves Berkshire Citizens Inspection Agency (CIA) organised their own independent inspections of the base, and decided to enter the site on a number of occasions to verify the nature of the munitions stored there. Shortly before war commenced a peace camp was established at Welford, but campers were rapidly evicted by police. However, a second camp was established in a more secure location a few weeks later, from where campers attempted to monitor the movements of ammunition convoys transporting ordnance between the two bases.

This report documents the policing of peace demonstrations at Fairford and Welford during the second Gulf War in early 2003. It is acknowledged that a number of factors combined to create formidable difficulties for senior police officers directing operations at Fairford and Welford – widespread public opposition to the bombing of Iraq and the risk that large numbers of demonstrators would visit the bases; the small but significant risk of terrorist activity at the bases; difficulties in distinguishing protesters from plane-spotters visiting the bases; and the lack of

a single organising group co-ordinating protests at the bases – all presented significant challenges for effective, sensitive and lawful policing. In the event, upholding the right to protest was frequently discarded in the face of a perceived imperative to maintain police control and security. The police response to the demonstrations had the effect of preventing legitimate protest from taking place, and that police policies to control demonstrations were apparently formulated and executed without adequate regard to the human rights of peaceful campaigners.

One of the most disturbing aspects of the policing of the recent anti-war protests has been the widespread use of counter-terrorist powers as opposed to conventional public order powers. The treatment of protesters at RAF Fairford and elsewhere as potential or suspected terrorists raises serious concerns.

Many of the powers used by the police to control and prevent protest at Fairford and Welford had been granted to them under legislation passed during the last ten years – particularly the Criminal Justice and Public Order Act 1994 and the Terrorism Act 2000. At the time they passed through Parliament, these Acts were severely criticised for the threats they posed to civil liberties (2). It now appears that those criticisms were justified, and that many of the abuses which were feared by opponents of the legislation have now materialised.

During the policing of demonstrations at Fairford and Welford a range of new approaches were used by the police. These prevented and deterred peaceful protest. Policing at Fairford and Welford represents another worrying step down the road of undermining the right to lawful and peaceful protest. This report describes the methods used by police when dealing with protesters at Fairford and Welford, and describes the infringements of civil rights during the protest period.

POLICE TACTICS

USE OF TERROR LAWS TO PREVENT LEGITIMATE PROTEST

As already noted, the striking feature of the policing methods used was the application of counter terrorist powers to deal with conventional civilian protest.

Some of the state's most draconian legislation was employed during the policing of demonstrations at Fairford and Welford. This is a particularly concerning feature of policing at these sites. Legislation designed to deal with a terrorist menace was being applied widely to a legitimate civilian protest. Powers under the Terrorism Act 2000 were routinely used at both locations, even though no evidence was ever disclosed to show that a specific terrorist threat existed. Armed police were deployed to patrol the area around the Fairford airbase and military personnel on duty inside the base were authorised to use lethal force in dealing with intruders (3).

Despite the everyday use of powers under the Terrorism Act, Home Secretary David Blunkett stated in answer to a Parliamentary question that “the Terrorism Act 2000 is not being applied in the prevention of protests at RAF Fairford. Powers under this legislation are applied solely for the prevention and investigation of acts of terrorism” (4). The Home Secretary later went on to state that “the Chief Constable, Gloucestershire Constabulary, has informed me that powers of stop and search under the Terrorism Act were used, for purposes of searching for articles of a kind that could be used in connection with terrorism”, (5) but nevertheless persisted in maintaining that the Terrorism Act was being used not to prevent protest but for counter-terrorism purposes only.

POLICE NUMBERS AT FAIRFORD

Peace demonstrations at Fairford were characterised by the very large number of police officers on duty to deal with a relatively small number of protesters. Despite the large numbers of officers present, few arrests were made at Fairford – even on days when big demonstrations took place. In general arrests were made for relatively minor offences such as breach of the peace, obstruction of the highway, and aggravated trespass, with a handful of more serious offences, such as assaulting a police officer or criminal damage (6).

Police from across the United Kingdom converged on the airbase to assist officers from Gloucestershire Constabulary deal with demonstrators (see box).

The following police forces are known to have seconded officers to duties at Fairford (7):

Avon and Somerset	Metropolitan
Cheshire	Northumbria
Cleveland	Norfolk
Cumbria	Shropshire
Derbyshire	South Wales
Devon and Cornwall	Sussex
Durham	Thames Valley
Essex	Warwickshire
Greater Manchester	West Mercia
Hertfordshire	West Midlands
Humberside	West Yorkshire
Kent	Wiltshire
Merseyside	

During the ‘Flowers for Fairford’ demonstration on March 22nd, just after the invasion had commenced, four to five thousand demonstrators travelled to Fairford and were confronted by an estimated one thousand police officers (8). The relatively small number of protesters at the base on normal weekdays

when no organised demonstrations had been arranged were heavily outnumbered by police officers. The large numbers of police officers on duty at the base resulted in an atmosphere that was felt to be intimidating to hardened campaigners, let alone first-time protesters who had decided to join the demonstrations. One protester who had never attended a demonstration before the war with Iraq wrote to Berkshire CIA to explain that he had visited RAF Fairford because he felt strongly that the war against Iraq was unjustified. As a result of his treatment by police officers he said “I now feel intimidated from carrying out lawful protest, and for the same reasons I do not feel like making any kind of official complaint” (9).

INCONSISTENT POLICE TACTICS AND METHODS

Officers from different forces used different tactics when dealing with protesters. In general, junior officers – especially from forces visiting from outside the local area – were unlikely to be well briefed on what situations they might be expected to deal with and often seemed unfamiliar with the law or practical issues relating to their duties (10). The sight of a constable using a mobile phone to call a senior officer and ask for advice was a frequent event at Fairford.

Police officers seemed to make arbitrary decisions when dealing with protesters. If asked to explain their actions, rather than give the legal authority which might allow them to take a particular course of action, officers would frequently resort to a general common law justification, claiming, for example, that they were acting to prevent a breach of the peace. Often police would issue orders to members of the public with no basis in law whatsoever. For example, two protesters walking along the pavement near the bomb store at RAF Fairford were told that if they stopped to watch vehicles moving into the base or displayed banners they would be arrested for “causing an obstruction”. Tying banners to the perimeter fence of the base was also arrestable “because it would be causing damage to the fence” (11). The threat of arrest in this way was frequently used by police to suggest that perfectly lawful behaviour was, in fact,

criminal activity.

Another ground used to justify police actions was public safety. Visitors were frequently refused access to the peace camp outside Gate 10 at RAF Fairford for “safety reasons”. The officers refusing access seemed unable to explain how visiting the camp might compromise public safety, and at the same time showed no interest in moving plane spotters watching from the end of runway beneath the flight path of aircraft carrying primed ordnance – a position presumably posing far greater security and safety risks (12).

On many occasions police officers claimed that they were using their discretion to justify the course of action they had chosen. Inevitably, an individual officer's discretion is a grey area, and the exercise of such widespread discretion opens the door to arbitrary and inconsistent actions and even the abuse of power. The role of the police under such circumstances should not generally be to prevent people from going about their lawful business, but to identify individuals who have broken the law and arrest and charge them. Although police officers have a duty to prevent crime, police powers must nevertheless be used in a reasonable manner, and obviously should not be motivated by the aim of stopping protest.

UNLAWFUL DETENTION OF PROTESTORS

One of the policing incidents which gave rise to considerable cause for concern took place outside Lechlade, near Fairford, on March 22nd, shortly after the attack on Iraq had commenced.

Early in the morning a diverse group of about 150 campaigners – Quakers, 70-year old CND members, journalists, anarchists, socialists, and members of a samba band - boarded coaches in London to set off for a day at the ‘Flowers for Fairford’ demonstration at the airbase. About ten miles away from Fairford their three coaches were met by police motorcyclists who escorted them into a blockade of at least 70 police officers. The protesters were told that police officers

would be using powers under section 60 of the Criminal Justice and Public Order Act 1994 to search them. They were then led out of the coaches in pairs and searched. While they were being searched and while they were waiting to get back onto their buses they were filmed by police video teams. Food, scarves, and helmets were taken away from some of the passengers by police officers on the apparent basis that they could be used to disguise faces. One person was arrested for a matter unconnected with the demonstration that day, but was later released without charge.

After nearly two hours the passengers were allowed back on to coaches by the police, and most assumed that they would be allowed to continue their journey to Fairford. However, once they were seated a police officer boarded each coach and told passengers that a senior police officer had decided that a breach of the peace might take place, and that the coaches were to be escorted away. The coach drivers were instructed to follow a police escort which would direct the route the coaches had to take.

The coaches were led onto the M4 motorway, where it became apparent that the passengers were to be driven straight back to London. They were not allowed to stop, and passengers could not even visit the toilet en route. According to one passenger, “The return journey to London was organised by the police to make us look like we were terrorists. A convoy of police accompanied our buses and the motorways were sealed off to the public. Even the roundabouts leading towards and away from the motorway were sealed off.” The buses were cordoned off from other vehicles. This obviously had the effect of preventing other drivers from seeing the makeshift placards the protesters had put in the coach windows with messages saying “Help – we are being kidnapped” and “Terrorists ahead and behind” (13).

The section 60 powers used by the police to justify their actions in this incident give officers the authority to stop and search, but do not provide them with any authority to detain those being searched. In similar incidents where large numbers of people have been contained against their will – such as Mayday 2001 at Oxford Circus – the police have asserted that they were using their common law powers to prevent a

breach of the peace. However, the detentions at Fairford took place after all the protesters had been searched. There was no violence at all during the course of the searches, and the passengers on the coaches remained peaceful. A legal test case is to be brought to challenge the compatibility of the police action with the Human Rights Act and establish whether it is lawful to detain large numbers of people in this way (14).

In a separate incident at the Permanent Joint Forces Headquarters at Northwood, north London, around 75 people were detained in a police ‘pen’ for periods of up to three hours during the ‘Reclaim the Bases’ demonstration on Sunday 6th April 2003. Demonstrators were moved into the pen area and surrounded by Hertfordshire police officers. They were informed by a police liaison officer that they were being detained under section 14 of the Public Order Act and section 3 of the Criminal Justice Act to prevent a breach of the peace, because “a web-site clearly stated the aim of the event was to de-fence the premises – and thus violence is a stated aim of the event.” Sixty more people were prevented from leaving Northwood underground station to join the demonstration (15).

INTRUSIVE VIDEOTAPING

A canny investor looking to buy shares at the beginning of 2003 might have done well to purchase a stake in the videotape industry. Miles of videotape film footage were shot by police officers equipped with hand-held cam-corders during operations at Fairford and Welford. Events at the bases were filmed ostensibly for the purposes of evidence gathering, presumably to assist in the identification of those who might commit offences. However, the video filming of protesters went far beyond the needs of evidence gathering. Protesters who had been stopped by the police were often filmed closely when being searched, and it was not uncommon to observe several police officers videoing the same person at the same time. During the ‘Flowers for Fairford’ demonstration on March 22nd, a police video team filmed the co-ordinator of the demonstration from just inches away while he was on his mobile phone discussing

arrangements for closing down the demo with the police commander of operations. Residents of peace camps at the bases were specifically targeted, with campers at Welford photographed by police while asleep (16) and campers at the Fairford Gate 10 peace camp filmed while eating a meal.

AGGRESSIVE STOP AND SEARCH

Although protesters visiting Fairford might be unsure as to whether they would be allowed to display their banners and placards, visit the peace camp, or pass on gifts of food and blankets to campers, one thing they could be virtually certain about was that they would be stopped and searched by the police during their visit.

As soon as the B-52 bombers began to arrive at Fairford, police were using powers under section 60 of the Criminal Justice and Public Order Act 1994 to stop and search protesters visiting the base, but within a couple of days the Gloucestershire Chief Constable, with the apparent approval of the Secretary State, had introduced an order under section 44 of the Terrorism Act 2000 authorising police officers to stop and search people and vehicles across the entire county of Gloucestershire and the neighbouring county of Wiltshire (17). Shortly afterwards section 44 powers were invoked in the Thames Valley Police area following the establishment of a peace camp at RAF Welford.

It hardly needs to be said that the number of terrorists apprehended by police after eight weeks of stopping and searching was zero. In most cases officers conducting searches cheerfully acknowledged that the protesters they were searching had nothing to do with terrorism – when asked why they thought the subject of the search was a terrorist, they explained that they were merely following instructions from their senior officers to search anyone in the area (18).

On a typical day at Fairford, a protester could expect to be stopped and searched about half a dozen times by different groups of police officers. One resident at the Gate 10 peace camp told her solicitors how she had been stopped and searched no less than 11 times

in one day. One group of police would watch her being searched by another group, and then when she had walked the few yards along the road to reach them, they would search her again (19). By mid April, Gloucestershire Weapons Inspectors had been informed of:

- 89 section 44 searches carried out on 26 individuals
- 1 section 60 search
- 5 searches conducted under sections 12 and 13 of the Public Order Act 1986 (even though there is no legal authority to stop and search under these provisions).

But this represented a very small proportion of the total number of stop and searches. Home Office minister Bob Ainsworth told David Drew MP that during the period from 21st February to 11th April 1995 stop and searches had been made as a result of policing at RAF Fairford (20).

The reasons given for conducting searches often had nothing to do with the prevention of terrorism. Reasons recorded on search forms by police officers included “looking for prohibited articles (tents) under s.44 of terrorism act” (21) “wearing material which may cause damage to military establishment” (22), “following on fence line, seen walking around fence on private property” (23), and “seen putting something in bag” (24). Documents such as driving licences and credit cards were inspected and personal details were noted by officers who had inspected such documents (25). On occasion, personal diaries and correspondence were opened and read (19, 26) and even videoed (27).

Adele Perret, a resident at the Gate 10 Peace Camp was subjected to a minutely detailed search of her possessions during which police officers searched through dirty underwear in a bag she was carrying and lifted up her skirt while conducting a body search. The whole search was filmed by a police video crew (28). Another camper, Gareth Teasdale, was ordered by officers to strip down to his vest and wait in the cold for twenty minutes during a search on a night when the temperature fell to –40C (29).

Protesters walking on their own were particularly vulnerable and in some cases were searched by large groups of police officers (9). Juliet McBride was

searched by a group of eight police officers who confiscated a tape recorder being used to record details of the incident and then prevented other protesters from joining her while she was searched (30). Kerstine Rodgers and her eight year old daughter were detained with friends for 45 minutes by police who wished to stop and search them, but were eventually released without being searched (31). Television film crews from media companies were sometimes allowed to film protesters being searched (32). Children accompanying adult protesters at Fairford were sometimes searched by police officers, despite complaints from the adults accompanying them (33).

It was very obvious that only individuals whom the police assumed to be anti-war protesters were stopped and searched. Protesters being searched would often see other passers-by – usually more conventionally dressed or older than most protesters - walk past them without being challenged by the police (34). When asked why they had not been challenged, police officers would usually avoid the issue and claim that they had discretion to decide whether or not they should stop someone to carry out a search. This strongly suggests that claims that searches were being carried out for the prevention of terrorism were bogus, since any police operation with the genuine aim of preventing terrorism would need to take strict precautions to ensure that no-one at all should be able to bring items for terrorist purposes into the vicinity of the military base.

However, there were cases where individuals who were nothing to do with peace protests were searched by the police – sometimes with serious consequences. An air pilot who visited Fairford for a day's planespotting was searched and subsequently arrested when he was found to be in possession of air maps and air traffic control information freely available from the Civil Aviation Authority. Understandably, he was not happy about his experience, commenting that, “unless protesters have suddenly taken to the skies then this information would be of no value to anyone. But as we all know, section 44 gives the police the right to do whatever they want. I am all for extra security but surely that shouldn't interfere with one's right to pursue a hobby” (35).

Following the departure of B-52 bombers from Fairford, section 44 powers have subsequently been used to search protesters demonstrating at the Atomic Weapons Establishment at Aldermaston (36) and the US spy base at Menwith Hill (37). There now appears to be a real concern that section 44 powers may be used regularly at lawful peace protests at any military base.

CONFISCATION OF PERSONAL PROPERTY

Personal property found by police officers was occasionally confiscated, particularly if officers felt it would be used as part of a protest. One protester at Fairford had a placard taken from him by police even before he was searched (9), and at Welford officers took banners and cameras from a protester claiming authority under section 19 of the Police and Criminal Evidence Act 1984 – even though this legislation only gives police officers the authority to seize items found during searches of premises (38).

BLANKET BAIL CONDITIONS

Police officers responsible for charging those arrested at Fairford or Welford imposed a restrictive set of conditions to bail granted when they were released from custody. In general, a condition was imposed forbidding the person on bail from going within 500 metres of any military base within the UK (39). In some cases even more restrictive conditions were imposed, requiring the person on bail to sleep at their home address and preventing them from going within 2 miles of Fairford (40). A similar condition preventing Kate Holcombe from going within 2 miles of Fairford was imposed by Judge Jamie Tabor at Gloucester Crown Court on 20th June 2003, despite there being no evidence that she had breached a bail condition imposed by the police to prevent her from approaching to within 2 metres of the perimeter fence at RAF Fairford (41)

The law in this area is clear. Bail conditions should only be imposed by a police officer following a

considered decision, bearing in mind the circumstances of the offence, the previous character of the person to be bailed, and any grounds for believing they may re-offend if released on unconditional bail. Any conditions imposed should be specific, rather than general in nature, related to the charge, and aimed at preventing further offences. In short, bail conditions have to be reasonable, even if they are justified (42).

Although most of the protesters arrested during the protests at Fairford were released shortly after their arrest, a number of those arrested were detained over longer periods or remanded in custody (43).

CREATION OF EXCLUSION ZONES TO PREVENT ACCESS FOR PROTESTERS

Police used powers under section 69 of the Criminal Justice and Public Order Act 1994 to effectively create no-go areas around bases at Fairford and Welford. Protesters entering these zones would be stopped and searched as a matter of course, and if they strayed beyond public rights of way surrounding the base they would be warned off the land using section 69 powers. Under these powers police were able to command protesters to leave the area, and any who returned within three months would be subject to instant arrest (44). Use of these exclusion zones – which were not clearly demarcated and lacked definite boundaries – enabled police to prevent protesters displaying banners or demonstrating in the proximity of the bases.

The exclusion zones were regularly patrolled by police vehicles. According to a local farm worker in the Welford area, the police patrols caused far more damage to crops and farmland than the peace campers they were watching, and regular questioning of farmhands by police from outside the locality who did not realise they needed to work in the area caused inconvenience and annoyance (45).

HARASSMENT OF PEACE CAMPERS

The peace camps established at RAF Fairford and RAF Welford were established to maintain a non-violent, round-the-clock peace vigil at the two bases and monitor activities at the bases in order to inform the world about the preparations for war which were taking place. Even though the campers were fully within the law in setting up camp, they felt subjected to a sustained campaign of harassment by police officers seemingly determined to break their resolve and force them away from the bases (46).

Police officers on duty at the Gate 10 camp at Fairford used a variety of policing methods, making life difficult for protesters. At times the camp operated under almost siege-like conditions, and campers and their visitors were often refused access to the camp and prevented from bringing in essential items to meet their everyday needs. Food, water, firewood, clean clothing, sleeping bags, dry blankets and tents were all prohibited items which the police banned from being taken in to the camp (47) – even if the person bringing them had already been searched to check for anything which might be used for criminal purposes. Inside the camp tents were taken down by police officers, fires were extinguished or banned, and police vehicles were driven right into the middle of the camp area (48). Despite several formal requests, senior police officers seemed unable to say what legal powers they were using to justify these actions (49). Policies adopted and methods used by the police varied from shift to shift, with officers on some shifts being courteous and co-operative towards campers whilst their colleagues on other shifts were dramatically less so. Some campers felt that this was a deliberate strategy used by the police to demoralise and confuse them. Requests to senior police officers to establish liaison procedures to help iron out inconsistent approaches between different teams of police officers on the ground received no response (10).

On one occasion US military personnel attempted to move the peace campers, coming out of Gate 10 and erecting a fence through the zone where the camp was located (no planning permission had been obtained for the fence). Police made numerous requests to campers to move on and on several occasions

threatened campers with eviction, but the threats stopped short of action and the police were never able to adduce any legal paperwork to show that the campers were in breach of the law (50).

To reach the camp it was necessary to walk along the 'Dunfield loop' road. During the protest period Gloucestershire County Council, at the request of the police, introduced a temporary road closure order made under sections 14, 15, and 16 of the Road Traffic Regulation Act 1984 – supposedly in the interest of public safety – which was subsequently used by police officers to close the road and prevent access to the camp (51). Although the road closure order covered the full length of the relevant roads, police road blocks were located beyond residential areas so that only those visiting the peace camp had to pass through them. Inevitably, this has raised suspicions that the real purpose of the road closure was to limit access to the camp (52).

From April 4th onwards, only individuals named on a list of 20 people were allowed to go to the camp or walk along the Dunfield loop road (53). Visitors might be allowed along the road at the discretion of police officers on duty – which in practice meant that they were usually not allowed to pass a police roadblock (54). The list of names used by the police had no status in law and had the effect of preventing campers who had been away from the camp from returning and preventing new protesters from joining the camp. It was never made clear how the list had been compiled and the list was regularly lost by officers on duty, and was then prepared again with a different set of names on it. Reporters from the press who wished to visit were usually turned away from the camp by the police unless they were extremely persistent (52), and on some occasions even residents whose name appeared on the list were refused access (55).

Despite this approach by the police, no effort was ever made to remove the Gate 10 camp through the courts using the legal process. In the words of one camper, "the excessive police presence and the whole exercise of putting out the fire, searches, and moving the camp was obviously intended to intimidate and not for law and order." (48).

POSSIBLE TARGETING OF INDIVIDUAL CAMPAIGNERS

It appears that police may have made some attempts to target campaigners who they considered to be particularly high profile protesters. These protesters were watched closely by the police whilst in the vicinity of RAF Fairford, with their movements monitored carefully, and were also subjected to arbitrary arrest and detention. Adele Perret was arrested for criminal damage to the perimeter fence of the base whilst 20 metres away from the fence and under observation by police officers (28). Juliet McBride was stopped by police while driving to the 'Flowers for Fairford' demonstration and detained for one and a half hours while her car was searched; arrested for breaching non-existent bail conditions; insulted by police and roughly searched after police wrongly claimed that she was in possession of a pair of boltcroppers and had used them to cut the fence; and arrested for breach of the peace whilst attempting to enter the Gate 10 peace camp. On none of these occasions was she charged with a criminal offence (56).

PREVENTION OF COLLECTION OF INFORMATION

Many campaigners who visited Welford and Fairford felt it was important to monitor activity at the bases in order to warn journalists and the wider public about military preparations. However, under section 58 of the Terrorism Act 2000 it is an offence to possess information which may be used for terrorist purposes. These powers were used to arrest protesters and attempt to discourage them from collecting information about military activities at Fairford and Welford. A resident at the Welford peace camp was arrested for possessing a map of the base (57) and, after the camp had been re-established following eviction, campers were threatened with eviction by the police if officers believed they were passing on information about movements of ammunition convoys to other protesters (58). Sian Jones and Andrea Needham were threatened with arrest by police under section 58 and searched under section 44 when noting down details relating to an ammunition convoy which was passing into the Fairford base (59).

RESTRICTIONS ON THE TIME AND PLACE OF DEMONSTRATIONS

Major demonstrations at Fairford were strictly controlled by the police, with tight limitations imposed on the locations and times where protest would be allowed. The Chief Constable of the Gloucestershire Constabulary used powers under sections 12 and 14 of the Public Order Act 1986 to impose conditions on the 'Flowers for Fairford' demonstration on 22nd March, the weekend after the invasion of Iraq began. These powers should only be used if a senior police officer believes that serious public disorder, serious damage to property, or serious disruption to the life of the community might result from a demonstration, or if it is believed that the organisers will intimidate or compel others to do unlawful acts. The conditions imposed by the Chief Constable banned demonstrations outside the period from 12 pm and 4.30 pm, and limited the scope of the demonstration to a march between an assembly point in Fairford village and the main gate of the base.

As they stepped down from their coaches, protesters visiting Fairford for demonstration were greeted by police officers handing out a leaflet warning them that if they demonstrated or assembled anywhere other than in accordance with conditions imposed by the Chief Constable, they would be committing an offence for which they could be arrested (60). Coaches bringing protesters to the demonstration were escorted to the assembly point by police motorcyclists along strictly designated routes, and vehicles deviating from these routes were turned back by police (61). Protesters who may have been known to the police found their cars being stopped and searched while more than half an hour's drive away from the base (62). Previous demonstrations at Fairford had been largely peaceful and no reasons were given by the Chief Constable to explain why he felt it was necessary to impose these conditions. Although four liaison meetings had taken place between police and the organisers of the March 22nd demonstration, the organisers were only told that conditions would be imposed 24 hours before the start of the demonstration (63).

Ironically, police powers designed to prevent serious disruption to the life of the community succeeded in

creating just such disruption to the residents of Kempsford village during the demonstration on 22nd March. A police cordon prevented residents from leaving the village or returning home between 9 am and 5 pm on the day of the demonstration. All roads between Kempsford and Fairford were blocked to vehicles and pedestrians by police, even to local people who were able to provide proof of their identity and address, making it impossible even for villagers to get to local shops (55).

On the weekend of 5th – 6th April police also used conditions imposed under section 12 and section 14 of the Public Order Act at Fairford, even though no organised protest had been planned for the weekend. The conditions covered a 48 hour period and the only form of protest allowed was a march between Fairford village and the main gate of the base. Roads were blocked and mounted police prevented anyone other than local residents from travelling to anywhere other than Fairford village, even though most of those present wished to visit the Gate 10 peace camp (64). Use of conditions in this way led to confusion and frustration among demonstrators, and gave them no option other than to join in with marches and large-scale assemblies when they may have preferred to protest in their own way, for example by standing at the roadside with a banner, participating in a static vigil, or visiting the peace camp.

TIME LINE

Berkshire CIA and Gloucestershire Weapons Inspectors decided to monitor policing at Fairford and Welford at the beginning of March 2003 when it became apparent that conflicts were arising between policing methods and the right to non-violent protest. This timeline highlights the most important events which took place during demonstrations at Fairford and Welford.

The time-line does not give a complete record of incidents of concern which took place at Fairford and Welford - just the ones which have been reported to Berkshire CIA and Gloucestershire Weapons Inspectors or reported in the media.

FEBRUARY 15

- Gloucestershire Police Intelligence officer sends email to individuals listed on Gloucestershire Weapons Inspectors website to ask for information on forthcoming February 23rd demo and advise of possible use of powers under Public Order Act to control the demonstration.

FEBRUARY 17

- Fairford Peace Camp established.

FEBRUARY 23

- Citizens Weapons Inspection takes place at Fairford. Many protesters enter the base by climbing fences.

MARCH 2

- Peacewatch is established at Gate 10 of the Fairford base to:
 - Peacefully protest by maintaining a round-the-clock watch outside Gate 10.
 - Inform the public about the build-up to and continuance of the bombing campaign.

MARCH 3

- First B-52 bombers arrive at Fairford. Lindis Percy arrested underneath an aircraft after entering secure area.
- Section 60 order introduced for Fairford area allowing police to stop and search protesters for a 24 hour period.

MARCH 4

- Police use powers under section 60 of the Criminal Justice and Public Order Act to stop and search protesters at Fairford.
- Film of Ben Grigg and David Farnham being searched under section 60 is broadcast on Central TV news.
- Nuala Young arrested at Gate 10 peace camp by Ministry of Defence Police officers in plain clothes, who incorrectly believed she had caused criminal damage at the demonstration on 23rd February.
- Assistant Chief Constable Macauley (Ministry of Defence Police Head of Operations) announces that any protesters entering military bases will now be charged with aggravated trespass, regardless of the circumstances, apparently following legal advice received by the Ministry of Defence Police.

MARCH 7

- Section 44 authorisation applied to Gloucestershire and Wiltshire and first reported search under section 44 takes place at Fairford.

MARCH 9

- At least 14 demonstrators arrested after entering the Fairford base and blockading the runway to prevent an aircraft taking off.

MARCH 13

- First ammunition convoy seen travelling between Welford and Fairford and photographed by photographer from Newbury Weekly News newspaper.
- Margaret Jones and Paul Milling arrested at Fairford after disabling 30 vehicles in the bomb store.

MARCH 14

- Margaret Jones and Paul Milling remanded in custody by Cheltenham magistrates.

MARCH 15

- Welford peace camp established by a group of campers from London.

MARCH 16

- Section 44 authorisation imposed over entire Thames Valley Police area and first reported search under section 44 takes place at Welford.

MARCH 17

- Three Welford peace campers arrested for conspiracy to cause criminal damage after their vehicle is followed when they leave the camp and searched at Chieveley service station, M4 motorway.
- Juliet McBride arrested at Fairford on suspicion of being in breach of bail conditions. Police later claim in custody that the arrest was for breach of the peace and threaten to report her for wasting police time and obstructing police when they find that no bail conditions apply, but eventually release her without charge.

MARCH 18

- Philip Pritchard and Toby Olditch arrested after approaching a B-52 bomber at Fairford with a hammer. Charged with conspiracy to cause criminal damage; going equipped to cause criminal damage; and aggravated trespass.
- In answer to a parliamentary question, Home Secretary David Blunkett states that “the Terrorism Act 2000 is not being applied in the prevention of protests at RAF Fairford. Powers under this legislation are applied solely for the prevention and investigation of acts of terrorism”.

- Welford Peace camp evicted. Camper arrested under section 58 of Terrorism Act 2000 for possession of a map of the base allegedly showing information about police patrols, but later released without charge.

MARCH 19

- Philip Pritchard and Toby Olditch remanded in custody at Gloucester prison by Cheltenham magistrates.
- Thames Valley Police enforce an exclusion zone around RAF Welford, with any suspected protesters entering the zone searched under section 44 and then warned off under section 69.
- Gloucestershire County Council introduce restrictions using sections 14, 15 and 16 of the Road Traffic Regulation Act 1984 to prevent access to the Fairford peace camp at Gate 10.

MARCH 20

- Invasion of Iraq commences with bombing raid on Baghdad.
- Armed police deployed at Fairford.

MARCH 21

- Paul Milling and Margaret Jones released on bail with conditions to reside at home addresses and keep away from Fairford.
- David Blunkett states that the Terrorism Act 2000 is not being applied in the prevention of protests at RAF Fairford

MARCH 22

- Thousands of protesters join ‘Flowers to Fairford’ demonstration to protest at the invasion of Iraq. Gloucestershire Chief Constable uses sections 12 and 14 of Public Order Act 1986 to impose conditions on the demonstration. Up to one thousand police believed to be on duty, with many police in riot gear.

- Three coaches from London stopped by police and occupants searched. Passengers are then ordered back on to the coaches, which are driven back to London non-stop with a police escort.

- Demonstrators travelling to Fairford airbase using routes other than those approved by the police are turned back to prevent them joining the demonstration.

- Two protesters arrested for wearing masks (after they had allowed their faces to be video filmed by police). They are detained in custody over the weekend and in protest one of the detainees goes on hunger strike and refuses to give his name to police.

- Residents of Kempsford village report being prevented from leaving or entering the village by police.

MARCH 25

- Fairford: Campaigners present evidence to police arguing that the use of sections 14, 15 and 16 of the Road Traffic Regulation Act 1984 cannot be correctly used in law to prevent access to Gate 10 camp. Nevertheless, restrictions on access remain in force and a new emergency traffic order is introduced to control access to the Gate 10 camp.

- Ammunition convoy blockaded on A419 by group from Oxford. No arrests are made, but police officers escorting the convoy take SIM cards out of the mobile phones of blockaders and break them and then smash the window of a nearby vehicle (65).

MARCH 29

- Fairford: Police prevent people going to Gate 10 camp from carrying wood, sleeping bags, tents, jackets and a mattress.

- Women in Black group from London stopped and searched on grounds that they were “driving slowly and pointing” as they drove past a ‘Police – Slow’ notice (59).

MARCH 31

- Section 44 authorisation covering Gloucestershire and Wiltshire renewed.

APRIL 1

- Ammunition convoy stopped briefly at Chieveley M4 motorway junction. No arrests. One truck drives away while protesters are underneath it.

APRIL 4

- Salvatore Bartholemei (Sam) arrested for breach of the peace and charged with assaulting a police officer when taking a tent into Gate 10 peace camp after taking legal advice. Event filmed on video. Sam released on bail with conditions not to approach within 500 metres of any military base in UK.

APRIL 6

- ‘Reclaim the bases’ protest weekend, with demonstrations at US military bases across the United Kingdom. Sponsored Stop and Search takes place at Fairford and Welford. At Welford ten section 44 stop and searches take place when protesters attempt to walk along a public bridleway. Police use powers under section 12 and 14 of the Public Order Act 1986 to control protesters at Fairford.

APRIL 7

- David Drew MP allowed to visit Gate 10 peace camp with no problems.

APRIL 8

- Visitors prevented from entering Gate 10 peace camp by police. Juliet McBride arrested at Fairford when sitting down after attempting to bring material into camp. Released without charge. Di MacDonald threatened with summons under the Highways Act. Barrister Hugo Charlton filmed attempting to enter camp.

APRIL 9

- Saddam Hussain’s statue toppled in Baghdad.

APRIL 10

- Group of campaigners from Bristol stop ammunition convoy near Poulton. Arrested and taken to Cirencester police station where three are charged with obstruction of the highway and one is released without charge. The campaigners have to pay a fine to recover their car from the police vehicle compound.

APRIL 11

- Sian Jones and Andrea Needham threatened with arrest under section 58 of Terrorism Act while noting down information about an ammunition convoy.

APRIL 12

- Second Welford Peace Camp established.

- Sian, Jean and Andrea blockade main gate at Welford briefly and receive section 69 warnings. Nick Marshall is told there is an exclusion zone surrounding the base.

APRIL 15

- Campaigners prevented by Thames Valley police from displaying protest banners when ammunition convoy leaves Welford. Camp threatened with eviction by landowner.

APRIL 18

- David Drew MP told by Superintendent Avery, Gloucestershire Constabulary, that police have “revised and upgraded safety on the site” to allow only camp residents they have on a list and visitors at their discretion to go along the Dunfield loop road.

APRIL 23 - 25

- Ammunition convoys return bombs stored at Fairford to Welford.

APRIL 24

- B-52 bombers leave Fairford after 54 days and 142 flights. Police notify residents at Gate 10 camp that they intend to evict the camp the next day.

APRIL 25

- Welford peace campers strike camp.
- Senior police officers visit Gate 10 camp at Fairford and inspect site but do not evict the camp. Intensive policing continues at the camp, with fire put out and a police van driven right into the camp.

MAY 2

- Home Secretary David Blunkett describes anti-war protesters at Fairford as “armed anarchists” (Guardian, 2nd May 2003).

MAY 3

- Fairford Peacewatch campers strike camp after 63 days spent in witness of the military operation at Fairford.

MAY 13

- David Blunkett asked on what basis the Terrorism Act 2000 was used to body search demonstrators at RAF Fairford. He admits that powers of stop and search under the Terrorism Act were used, “for the purpose of searching for articles of a kind that could be used in connection with terrorism.”

JUNE 20

- Hearing at Gloucester Crown Court of protesters arrested at Fairford is adjourned until September to allow arguments about the legality of the invasion of Iraq to be heard.

SUMMARY AND CONCLUSIONS

1. During the period of protest at military bases before and during the invasion of Iraq, conflicts arose between policing methods and the right to demonstrate peacefully. Usually such conflict resulted in withdrawal of the right to protest. The use of stop and search powers by the police was, at best, an inconvenience for those living in or visiting the area, and at worst it amounted to harassment and victimisation. The overwhelming majority of those who were stopped by the police and searched had done nothing wrong and were accused of nothing by the officers searching them.
2. Policing at Fairford blurred the all-important line between peaceful protester and terrorism.
3. Many of the powers used by the police in their duties at Fairford and Welford have been granted to them over the past ten years. At the time when these laws were being formulated, concerns were expressed that they would be used to prevent peaceful protest and deny citizens their civil liberties. Policing at military bases during the invasion of Iraq has shown that these fears were, unfortunately, justified. Human rights legislation in this country allows for freedom within the law – but an increasing number of laws take away freedom from citizens, often at the arbitrary discretion of a police officer.
4. Serious questions need to be asked about the Home Secretary's account of the policing activities at Fairford. When David Drew MP asked Home Secretary on 21st March, "...what provision under the Terrorism Act 2000 he is using to prevent people from protesting at RAF Fairford", David Blunkett answered "The Terrorism Act 2000 is not being applied in the prevention of protests at RAF Fairford. Powers under this legislation are applied solely for the prevention and investigation of acts of terrorism."

However, the reality was that dozens of protesters had already been stop and searched, by that time, under section 44 of the Terrorism Act, at Fairford. The section 44 order had been authorised by Tim Brain, Chief Constable of Gloucestershire Constabulary on 6th March, to run until 2nd April (A second authorisation was granted on 31st March to run until 27 April), and - under the legislation - he would have had to inform the Secretary of State of his action within 48 hours. The Home Secretary ought therefore to have been made aware that a section 44 authorisation was in place by the afternoon of 8th March, thirteen days before denying that the Act was being applied, other than for counter terrorist purposes, at Fairford.

This sequence of events calls for an explanation of how the Home Secretary's answer to David Drew was thought to be consistent with the policing on the ground.

Subsequent parliamentary questions from both David Drew and Lynne Jones were able to establish that, not only was the Act being applied, but that 995 stop and searches had been carried out under section 44 of the Terrorism Act 2000 and section 60 of the Criminal Justice and Public Order Act 1994 (Answer provided on 28th April by Bob Ainsworth.) – the vast majority being made under section 44.

5. A difficulty in establishing local democratic accountability of the police over the authorisation and implementation of section 44 of the Terrorism Act, is that this was regarded as an 'operational' issue, rather than 'policy', and not, therefore, brought to the attention of the Police Authority. However, 'policy' can ultimately only be defined by what happens 'operationally' – the extent to which policy is open to inconsistent application, to abuses of authority and local interpretation by local forces,

is a direct reflection of the drafting of the policy, in this case, the operational framework provided by the Act.

The regular practice by Ministers of invoking the defence of not commenting on operational counter-terrorism measures, needs to be seen in a similar light, because it undermines the ability of the Commons to hold the Executive (in this case, the Home Office) to proper account. For example, when asked by David Drew - on 24th June - to clarify precisely when he was informed that the section 44 authorisation had been made in March, the Home Secretary invoked this defence, in a situation where the answer could clearly not be interpreted as a threat to national security. If Parliament decides that Ministerial authorisation of exceptional police powers is warranted (as in section 44), Parliament should be entitled to Ministers' accounts of the proper exercise of such authorisation.

6. The European Convention on Human Rights, incorporated into UK law through the Human Rights Act 1998, guarantees citizens of the signatory states certain rights and freedoms. We believe that a number of these rights were breached by police carrying out duties at Fairford and Welford:

- **Article 5 - the right to liberty and security.** This right was breached by officers who detained protesters on an arbitrary basis, including the officers who detained protesters travelling on coaches to the 'Flowers at Fairford' demonstration and forced them to return to London.
- **Article 8 - the right to respect for private and family life.** The intense and intrusive use of video filming by the police, excessive use of stop and search powers, and intrusions into the Gate 10 peace camp represented breaches of the right to privacy.
- **Article 10 - the right to freedom of expression.** Police attempted to prevent campaigners from displaying banners and protesting peacefully, and also attempted to stop

campaigners from collecting information on military preparations, contrary to the right to receive and impart information.

- **Article 11 - the right to freedom of assembly and association.** Attempts to prevent demonstration by prohibiting protesters from assembling at particular locations; preventing the display of banners; denying access to the Gate 10 peace camp; and detaining protesters to prevent them travelling to a demonstration all contravened the right to freedom to peaceful assembly and to freedom of association with others.
7. Since the conclusion of the invasion of Iraq, subsequent demonstrations at military bases have been policed using tactics similar to those used at Fairford and Welford, giving rise to concerns that such tactics, especially the indiscriminate use of stop and search powers, will slip into regular use by the police.

RECOMMENDATIONS

1. We feel that the police operations at Fairford, Welford, and other military bases during the invasion of Iraq warrants an investigation by the House of Commons Select Committee on Home Affairs. The objectives of this investigation should be to determine how effectively the police balanced the need to maintain security at military bases with upholding the right to protest, and to learn lessons for the future. The scope of the investigation should address inter alia the following questions:
 - The reasons why powers under the Terrorism Act 2000 were used at the bases at all.
 - The evidence for there being a specific terrorist threat at Fairford and Welford to justify the use of these powers.
 - The impact of police tactics and the use of anti-terrorism legislation on the civil liberties of protesters and local residents.
 - The extent to which policing policies were dictated by the Cabinet, Home Office, and US armed forces.
 - The extent to which human rights issues were taken into consideration when formulating policing policies and tactics.
2. The Independent Reviewer – Lord Carlile QC - should investigate the use of the Terrorism Act at Fairford and Welford and make recommendations.
3. Gloucestershire police should conduct a full internal enquiry into the widespread use of counter terrorist powers at Fairford and Welford
4. It is often said that the price of liberty is eternal vigilance. In order to safeguard rights and liberties,

independent monitoring and reporting are often as important as legal protections. The remaining recommendations relate to mechanisms for undertaking such monitoring work. Within the community of non-governmental and campaigning organisations, steps need to be taken to ensure that effective and impartial monitoring takes place in future during situations where there are large, ongoing demonstrations and the potential for abuse of civil rights.

5. Many modern democracies have established independent Human Rights Commissions to monitor and report on human rights and make recommendations to governments on matters relating to them. In order to reaffirm its commitment to a human rights culture, the UK government should establish an independent Human Rights Commission at the earliest opportunity.
6. At the local level, each police authority should appoint an authority member with a specific brief to monitor, advise on, and report on human rights at both policy and operational levels. This position could be reserved for a representative from a non-government organisation with an interest in human rights to reinforce the authority's commitment to independent monitoring of human rights. One of the first tasks facing this authority member would be to ensure that each police force has developed a robust human rights strategy. Large policing operations should undergo a rigorous human rights assessment.

If the government is really interested in safeguarding security for its citizens and advancing an agenda of democracy and freedom, we hope it will be able to endorse and implement these recommendations.

REFERENCES

1. 'War hides worldwide human rights abuses.' Metro newspaper, Tuesday April 8th 2003.
2. As well as parliamentary opposition, a wide range of groups formed an alliance to campaign against the Criminal Justice Bill and large demonstrations against the Bill took place in London on a number of occasions. Groups campaigning against the Criminal Justice Bill included the Penal Affairs Consortium, Liberty, Charter 88, OutRage, Squall, the Freedom Network, Advance Party, Justice, the Hunt Saboteurs Association, and Road Alert. Likewise, a broad alliance of organisations expressed concerns about the Terrorism Bill, including Statewatch, Liberty, Amnesty International, Campaign Against Racism and Fascism, and the Kurdish Human Rights Project.
3. 'Armed police deployed at RAF Fairford'. BBC news online, 20th March 2003. <http://news.bbc.co.uk/go/pr/fr/-/1/hi/england/2867429.stm>. Defence Minister Adam Ingram told David Drew MP that prominently displayed notices at Fairford authorising the use of deadly force did not purport to be a statement of the law and did not amount to a blanket pre-authorisation, but refused to specify under what circumstances the use of deadly force would be authorised (written response to Parliamentary Question, 11th April 2003).
4. Response to Parliamentary Question from David Drew MP, holding answer 18.3.03.
5. The Home Secretary stated that: "We do not comment on operational counter-terrorist measures, but the Chief Constable, Gloucestershire Constabulary, has informed me that powers of stop and search under the Terrorism Act were used, for the purpose of searching for articles of a kind that could be used in connection with terrorism". (Response to Parliamentary Question from Lynne Jones MP, 13th May 2003).
6. In an answer to a Parliamentary Question dated 11th April 2003, junior Home Office minister Bob Ainsworth told David Drew MP that during the period 21 February to 11 April there had been 68 arrests made as a result of policing at RAF Fairford, mainly for aggravated trespass and public order offences.)
7. Observations recorded by Gloucester Weapons Inspectors and Berkshire CIA.
8. Estimates by march organisers.

9. Report sent to Berkshire CIA by Charlie Lysons, 25th March 2003.
10. Following a visit to the Gate 10 peace camp from David Drew MP on 7th April 2003, it was agreed at a discussion with the senior police officer on site that a simple briefing note on policing at the camp should be prepared for duty police officers and camp residents. Dave Cockcroft wrote to the Chief Constable of Gloucestershire Constabulary on 8th April on behalf of the campers to suggest a list of issues that should be addressed in the briefing, but other than an acknowledgement that the message had been received, no response was made by Gloucestershire Constabulary.
11. Contemporaneous notes of incident involving Peter Burt and Nick Barry, 22nd April 2003.
12. Email message from Di McDonald to Fairford Peace Camp supporters group on policing at Gate 10, 18th April 2003.
13. Reports sent to Berkshire CIA by Les Levidow (30th March 2003) and 'Dagmar' (24th March 2003). A number of those detained on the coaches took video film footage of these incidents. For more information on this topic see www.fairfordcoachaction.org.uk.
14. 'Legal challenge to mass detention of peace campaigners'. Press release from Bindman and Partners solicitors, 26th June 2003.
15. Account by Sian Jones, 6th April 2003.
16. Press release from Welford Anti-Militarist Camp, 17.3.03
17. 'Special powers in two counties'. BBC news online, 10.3.03. <http://news.bbc.co.uk/go/em/fr/-/1/hi/england/2837883.stm>. An order from authorising the use of stop and search powers under section 44 lasts for one month and must be confirmed by the Home Secretary within 48 hours. Before the section 44 order was introduced, police used other powers to stop and search protesters at Fairford. On the day of the arrival of the B-52 bombers, an order allowing the police to stop and search people under section 60 of the Public Order Act 1986 was introduced by Superintendent Organ of Gloucestershire Constabulary. The section 60 order covered the 24 hour period from 3pm, 3rd March 2003

- until 3pm, 4th March 2003. After this police officers would ask protesters for proof of identity and, if it was refused, undertake a search for 'suspicious conduct' – which they had no legal powers to do - until the section 44 order came into force on March 7th 2003.
18. The authorisations to carry out section 44 searches, signed by Gloucestershire Constabulary Acting Deputy Chief Constable Martin Baker, make no mention of any specific or defined terrorist threat to RAF Fairford, stating only "The present threat from International Terrorism is High (Level 2). Intelligence suggests that terrorist organisations would seek to attack both British and American assets, including military assets."
 19. Account by Adele Perret at conference with Bindman and Partners solicitors, 15th April 2003, and letter from Bindman and Partners to the Chief Constable, Gloucestershire Constabulary, 21st May 2003.
 20. Holding answer from Bob Ainsworth MP to written Parliamentary Question from David Drew MP, 11th April 2003. This figure does not cover the entire period of protests at RAF Fairford, and does not include searches carried out at RAF Welford or other locations.
 21. Section 44 search record given to Adele Perret – from account given at conference with Bindman and Partners solicitors, 15th April 2003.
 22. Section 44 search record given to Matt Jones, Fairford, 22nd March 2003, whilst wearing a disposable paper boiler suit.
 23. Section 44 search record given to Peter Burt, Welford, 19th March 2003.
 24. Section 44 search record given to Juliet McBride, Fairford, 25th March 2003.
 25. Accounts of stop and search incidents at Fairford sent to Berkshire CIA by Jonathan Morton (8th March 2003), Ben Grigg (20th March 2003), and Polly Wilkins (31st March 2003).
 26. Account of stop and search incident at Fairford sent to Berkshire CIA by Rick Jarvis, 22nd March 2003.
 27. Search of John Mayford on 7th March 2003, when a sheet of telephone numbers for Fairford contacts in an address book was filmed. Letter from Bindman and Partners to

the Chief Constable, Gloucestershire Constabulary, 21st May 2003.

28. Account by Adele Perret at conference with Bindman and Partners solicitors, 15th April 2003.

29. Account by Jill Chadwick (19th June 2003) of search carried out at 1.30 am, 13th March 2003. A complaint has been made to the police about this incident.

30. Account of stop and search incident at Fairford sent to Berkshire CIA by Juliet McBride, 25th March 2003.

31. Account of stop and search incident at Fairford sent to Berkshire CIA by Kerstine Rodgers, 22nd March 2003.

32. Film footage of David Farnham and Ben Grigg being searched at Fairford was broadcast on Central TV news on 3rd March 2003 and Juliet McBride was filmed by a television crew whilst being searched at Fairford on 25th March 2003.

33. Account from Dave Cockcroft, 12th June 2003, whose 11 year old daughter Isabelle Ellis-Cockcroft was searched at Fairford on 12th April 2003.

34. Accounts of stop and search incidents at Welford provided to Berkshire CIA by Evelyn Parker (24th March 2003) and Juliet McBride (6th April 2003) and an incident at Fairford recorded by Peter Burt (22nd April 2003).

35. Message from 'lanceseeker' posted on unofficial RAF Fairford internet noticeboard, <http://groups.msn.com/RAFFairford> 23.3.03.

36. Accounts by Sian Jones and Juliet McBride on the use of section 44 powers at the Trident Ploughshares peace camp, Aldermaston, 7th – 8th June 2003.

37. Account by Kate Holcombe of search at Menwith Hill, 18th June 2003.

38. Contemporaneous note made by Peter Burt following search at Welford, 19th March 2003.

39. Bail conditions imposed on Salvatore Bartolemei following arrest at Fairford, 4th April 2003.

40. Bail conditions imposed on Margaret Jones and Paul Milling, 21st March 2003.

41. Account by Kate Holcombe, 22nd June 2003.

42. In an appeal court judgement on bail conditions imposed during the miner's strike, Lord Justice Lane said: "in the present circumstances, the question the justices should ask themselves is a simple one: "Is this condition necessary for the prevention of an offence by a defendant when on bail?" R v Mansfield Justices, ex parte Sharkey, 1985, 1 QB 613.

43. Linds Percy was held in police custody for

18 hours after being arrested underneath one of the B-52 bombers stationed at Fairford. Margaret Jones and Paul Milling were remanded in custody for seven days before being released on bail after disabling 30 vehicles in the bomb store at Fairford. Ploughshares protesters Philip Pritchard and Toby Olditch were remanded in custody for more than three months after approaching a B-52 bomber intending to non-violently disarm it using a hammer.

44. Contemporaneous notes made by Peter Burt (19th March 2003) and Karen Rumbol (24th March 2003).

45. Information provided by employee of Welford Estates Ltd to members of Welford Peace Camp, 15th March 2003. The identity of the employee is known to the authors of this report but is being withheld to prevent recriminations against him.

46. A full account of events witnessed at the Gate 10 peace camp and a record of police conduct towards campers has been kept in the log books regularly maintained by campers.

47. Letter from Dave Cockcroft to the Chief Constable and other members of the Chief Officer Group at Gloucestershire Constabulary, 1st April 2003.

48. Account from Paul Greening, 4th March 2003.

49. Letters from Dave Cockcroft to the Chief Constable and other members of the Chief Officer Group at Gloucestershire Constabulary, 1st April 2003, 8th April 2003, and 10th April 2003. Despite a promise from the Chief Constable that the matter would be dealt with by Acting Deputy Chief Constable Baker, no satisfactory response was received to these letters.

50. Account from Dave Cockcroft, 12th June 2003. US personnel built the fence through the site of the Gate 10 peace camp on 11th March 2003.

51. Temporary Road Closure Orders issued by Gloucester County Council, 19th and 25th March 2003. The 25th March Order was introduced "in the interest of public safety due to operations taking place at RAF Fairford". The earlier order was introduced "due to a section of carriageway being used as a route to transport sensitive materials and requires the road to be closed to prevent any danger to the travelling public" – even though no military materials were transported along these routes.

52. Account from Dave Cockcroft, 12th June 2003.

53. Information provided to David Drew MP by Superintendent Avery, Gloucestershire Constabulary, explaining that police had "revised and upgraded safety on the site" to allow only camp residents named on a list and visitors at police discretion to pass along the Dunfield loop road. 18th April 2003.

54. Accounts sent to Berkshire CIA by Tony Hillier (18th April 2003), Jo Wilding (6th April 2003), and Dave Cockcroft (12th June 2003).

55. Account by Jill Chadwick, 19th June 2003.

56. Accounts by Juliet McBride sent to Berkshire CIA: 18th March 2003, 25th March 2003, 14th April 2003.

57. Account by Peter Burt sent to Berkshire CIA, 19th March 2003. The camper was later released without charge.

58. Warning given by Superintendent Sullivan to campers during a visit to Welford Peace Camp, recorded in camp log book.

59. Account by Sian Jones of incident on 11th April 2003 at conference with Bindman and Partners solicitors, 15th April 2003.

60. 'Gloucestershire Constabulary: Public Order Act 1986' leaflet distributed by police at Fairford, 22nd March 2003.

61. Account by Tony Hillier sent to Berkshire CIA, 22nd March 2003.

62. Account by Juliet McBride, 22nd March 2003.

63. Account from Dave Cockcroft, demonstration organiser, 12th June 2003.

64. Account from Dave Cockcroft, who was present on the day. 12th June 2003.

65. 'Anti-war activists halt bomb convoy'. Press release from 'Bombusters', http://uk.indymedia.org:8081/front.php3?article_id=59433&group=webcast. See also http://uk.indymedia.org:8081/front.php3?article_id=59735&group=webcast.

LIBERTY

21 Tabard Street, London SE1 4LA
www.liberty-human-rights.org.uk
info@liberty-human-rights.org.uk