

Anti-Capitalist Action legal workshop

This information has been prepared by Andy Smith (ams70@cam.ac.uk). Please email me with any corrections, comments, suggestions or questions.

Disclaimer: I am not a lawyer. Please don't treat this as sound legal advice. If you're planning on doing something that might get you arrested or charged, it's probably best to research the laws that you think you might be breaking in more depth — this workshop is intended more as a general guide to relevant law so you know what to look for. Some of the material in the hand-outs was written by lawyers, but it's still probably best not to take that as your only legal advice.

Also, please don't take this as an incitement to commit criminal offences.

A good source of legal information for activists is the Activists' Legal Project (<http://www.activistslegalproject.org.uk/>). Some of the handouts are taken from there, but there are others that may be useful further into the legal process, if you find yourself being tried or convicted. For information relating to "anti-terrorism" legislation, see the Coalition Against the Terrorism Acts website (<http://go.to/TA2000/>).

Police attitudes

The attitude of the police to direct action protests can vary a lot and depends on policy imposed from above, political pressure, media scare stories prior to the event, public opinion of the protestors, etc. But generally in any action where property is being damaged, or where a significant amount of "lawful" business is being obstructed, the police will want to stop it and often to make arrests.

It is common for police to claim that protestors are breaking the law when they are not, or that they are committing much more serious offences than they really are. Perhaps sometimes this is because of poor police training, but it seems likely that this tactic is often used to intimidate protestors. Knowing a bit about the law allows you to challenge the police and show them you'll know if they try to intimidate you like this.

Sometimes, particularly at large actions, the police officers on the ground will not really know what's going on and may not even know what alleged offences they've been ordered to stop you from committing.

It's a good idea to take a record of anything questionable the police do — this will be useful if it comes to court, and if you're visibly doing it it can make the police act more carefully. Noting the identification numbers of police officers (usually visible on their upper arms) is useful. Cameras or, even better, video cameras can provide valuable evidence.

It's common for people at demonstrations to be charged with minor offences if the police can't find anything to do with the demonstration to charge you with. Even if you are charged with an offence relating to the action, additional charges will complicate matters. So it's probably best not to carry illegal drugs, weapons or other illegal items, commit driving or cycling offences, etc. if you can avoid it.

Offences

Handouts: A guide to possible offences (Activists' Legal Project); The Criminal Justice and Public Order Act 1994 (Freedom Network); Section 60 (Raif Smyth)

The handouts give information on criminal offences that people taking part in direct action are often charged with, and the powers police have when they believe these offences are being committed. Obviously if the action itself involves breaking the law in a specific there may be other offences.

One point which isn't covered, and which I'm even less sure about than the rest of this legal advice, regards trespass. "Aggravated" trespass is a criminal offence under the Criminal Justice and Public Order Act 1994, but otherwise trespass is usually a civil rather than a criminal offence. I don't think the police can try to remove you from private land unless asked to do so by the owner or someone representing the owner.

"Anti-terrorism" legislation

Handouts: The activist's guide to the Terrorism Act 2000; The real state of emergency (both from Coalition Against the Terrorism Acts)

"Anti-terrorist" laws historically always been a tool of political oppression, used mainly against people from minority political and racial groups. The vast majority of people questioned under the old Prevention of Terrorism Act were never charged, it was used mainly for intimidation and for information gathering in ways that would have been illegal if there was no "terrorist" connection. However, two more recent laws — the Terrorism Act 2000 (TA2000) and the Anti-Terrorism, Crime and Security Act 2001 (ATCSA2001) — have significantly increased the repressive power of these acts and arguably form the legal foundations (along with several other laws in the last few years) for a police state.

The TA2000 introduced a new definition of "terrorism" which is very wide-ranging and appears to cover non-violent direct action that involves damage to property or disruption of electronic systems (as well as acts of violence towards people), as long as it's "designed to influence the government or to intimidate the public or a section of the public" and "made for the purpose of advancing a political, religious or ideological cause". This means that direct action could be treated as terrorism, but at the moment this appears to have been used only for a few instances of intimidation towards activists, not for large-scale treatment of activists as terrorists.

Anti-terrorism legislation has still so far been used largely in relation to violent groups in Northern Ireland and various foreign armed struggles (although by no means only against members of these groups). A number of these groups have been banned under the TA2000, which means there are extremely draconian measures banning many forms of association with the banned groups. This may be a problem for any demonstration in solidarity with a banned group — even wearing certain clothing can get you arrested.

On arrest

Handouts: The arrest process and your rights (Activists' Legal Project — detailed information on your rights); No comment: the defendant's guide to arrest (London Anarchist Black Cross — advice on dealing with police pressure tactics)

The handouts give information on the your rights if you're arrested, and how best to deal with police interrogation.

When someone is arrested, it's a good idea for other people to take a record of the arrest — at least record the number of the arresting officer(s), and taking photos or video will be a bonus if the arrest is questionable. Try and get an idea of why the protestor is being arrested and where they are being taken.

Sites of actions

There may be different laws covering actions at certain sensitive locations. I haven't had time to research the laws covering these very much, but some possible places to bear in mind are:

- **Public roads:** covered by the offence of obstruction of a public highway, and probably others.
- **Military bases:** can have very strict prohibitions on even entering them, let alone doing anything inside. Any actions are likely to be met with a very severe response, possibly from the military at first rather than the police, and officers are more likely to be armed.
- **Airports:** have weird by-laws and very often you can be asked to leave if you don't have permission from the airport authorities to be there. Particularly post-September 11th, police are worried about terrorism at airports, but this has also been used as a justification for cracking down on clearly peaceful anti-deportation protests.
- **People's homes:** There has recently been talk of laws specifically targeting protests outside people's homes, inspired mainly by protests outside the homes of directors and shareholders of companies involved in animal testing. I don't know what, if anything, has been passed into law yet, but it's worth investigating this if you're planning on doing that sort of thing.

Planning an action

Handout: How to set up a legal support group (Activists' Legal Project)

If you're planning an action where there is a significant risk of people being arrested, there are steps you can take to make it safer for protestors. Bust cards informing people of their rights on arrest, and anything else relevant, should be handed out to everyone who comes. It's useful to contact a sympathetic solicitor or firm of solicitors beforehand to be on call to advise anyone who gets arrested — put their phone number on the bust card. If you think arrests are very likely and people are not going to be in contact afterwards, it's good to arrange a meeting for defendants and witnesses a few days after the action.