

Crown Intervenes to Delay Crunch Day in Court For Protestors Charged Under Terrorism Laws

Legal proceedings scheduled to go ahead in Edinburgh today have been unexpectedly delayed after a startling move from the Crown. A 'Diet of Debate' was scheduled to go ahead at Edinburgh Sheriff Court to determine whether the arrest and prosecution of peaceful protesters under Terrorism Legislation is compatible with their Human Rights. However, the Crown, on behalf of the Lord Advocate, unilaterally required the court to refer these proceedings to the High Court.

The outcome of the Diet of Debate will be significant and far-reaching. If the Scottish Court rules that it was unlawful to arrest peaceful protesters under the Terrorism Act, this will also have profound reverberations for cases in England and Wales. Over 2,700 people are awaiting trial across the UK for holding signs reading, *I OPPOSE GENOCIDE. I SUPPORT PALESTINE ACTION* during silent vigils. The Lift the Ban actions were described as the "[most widespread civil disobedience campaign in modern UK history](#)".

A spokesperson for Defend our Juries Scotland stated:

"We are surprised by this sudden and unilateral move by the Crown on behalf of the Lord Advocate. We can only assume it indicates that the Crown anticipated a win for the defendants, who face charges under terrorism legislation for holding signs in peaceful protest of the UK Government's complicity in genocide, and were keen to avoid embarrassment in the Sheriff's Court. We are confident that our Human Rights will be upheld in the High Court and look forward to the Debate."

The Lord Advocate is the senior Scottish Law Officer advising the Scottish Government and heading prosecution services. **The Advocate General, who advises the UK Government on Scots law, was party to the decision and represented in Court on Wednesday.** The move underscores that these proceedings are a test for both governments.

The UK Government has faced mounting criticism for its decision to proscribe Palestine Action as a 'terrorist' organisation. [Five UN experts](#) described the ban as "not justified" and a move reminiscent of authoritarian states. Last month, the UK Government's decision to proscribe the group was found unlawful on Judicial Review in the High Court of England and Wales.

Despite the outcome of the Judicial Review, the ban remains in place whilst the UK Government pursues an appeal. A Judicial Review under Scots Law, scheduled to take place this week, was also postponed to June after the UK Government requested additional evidence sessions. The decision to move the Diet of Debate in Scotland is yet another link in this chain of chaos and uncertainty.

Meanwhile, more than 2,700 people are facing charges under the Terrorism Act 2000, including 24 in Scotland, for taking part in Lift the Ban actions. The lengthy delays leave

them in limbo, with many facing [devastating consequences on their day to day lives](#) as a result. Scottish activists will have to wait another four weeks for a further procedural hearing.

The UK and Scottish Governments have been divided in their response to Israel's actions in Gaza, and to the proscription of Palestine Action. Whereas Westminster continues to give full support to Israel, Holyrood has declared that what is happening in Gaza is genocide and voted to boycott Israel. Yet, little action has been taken to enact this position and in policing the ban, Police Scotland has resorted to covert and erratic arresting which has muddled the more principled words emanating from Holyrood.

Concerns will be raised as to whether this change in legal proceedings reflects a similar, muddled approach. Activists in Scotland call on the Scottish Government and Courts to act with clarity, principle and independently from Westminster. They call for actions, not words, on the boycott, divestment and sanctions of Israel, and for all charges against peaceful protestors to be dropped.

Defend Our Juries spokesperson, Lex Korte, said:

"To use terrorism powers to criminalise those who take direct action against genocide, and to then further prosecute those who stand up for all of our freedoms and civil liberties, by peacefully and silently holding placards and wearing T-shirts with political statements, is an abhorrent attack on democracy and our shared humanity as a whole.

If the *Lord Advocate* dropped all of these cases, refused to prosecute peaceful people practicing their right to freedom of expression and peaceful assembly, perhaps they would have the capacity to enforce and prosecute the International Criminal Court Act and end the production of Israeli weapons on Scottish soil.

This would be a strong move towards enacting the sentiment of the Scottish Parliament to boycott, divest from and sanction Israel. We urge the *Lord Advocate* to come to the rational and legally sound conclusion, and drop all charges."

In a joint statement Defend Our Juries in Scotland and Scottish Palestine Solidarity Campaign said :

"If our government prioritises its relationship with the Israeli war machine so much that it charges peaceful protestors under the Terrorism Act, what does this show about the forces uniting against the people of Palestine?"

We watch in horror as we see how comfortable the government in Westminster is to sacrifice Palestinian lives for reasons that are unfathomably trivial and inhumane. We hope that the Scottish courts can take a reasoned, independent opinion."

ENDS

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Photos: [Photo Selection from November actions](#)