

Letter to the Home Secretary, Yvette Cooper MP
CC: Sadiq Khan, Mayor of London
CC: Richard Hermer, Attorney General

Defend the Right to Protest

The arrest of the Chief Steward, Chris Nineham, and various participants in the Palestine Solidarity Campaign (PSC) demonstration on the 18 January 2025 and the subsequent bringing of charges against Ben Jamal, the Director of the PSC, represent a disproportionate, unwarranted and dangerous assault on the right to assembly and protest in Britain.

This right has been held central to democratic life in Britain for centuries. Advancing the causes of the Chartists, trade unionists, the Suffragettes and many more. It is now formally protected via the Human Rights Act 1998 through Articles 10 and 11 of the European Convention on Human Rights. Taken together, these two articles have been interpreted by the European Court of Human Rights as conferring on individuals an extensive right to peaceful protest, which imposes stringent obligations, both negative and positive, on public bodies to respect and facilitate the right to protest.

Over the last few years, this right has been undermined by a raft of new enactments, and by a shift in policing tactics that emphasises controlling and limiting protest, rather than facilitating it, as required by both European and international legal standards. This assault on the right to protest has heightened in the last year, with anti-war and pro-Palestine protestors experiencing particularly acute attacks on their rights to peacefully protest Israel's genocide in Gaza.

The conditions imposed by the Metropolitan Police on the PSC demonstration on 18 January 2025 were disproportionate and an abuse of police powers. Despite a demonstrable track record of overwhelmingly peaceful protests for over a year, the police prevented the demonstration to assemble near, or march towards, the BBC on Saturday without offering any compelling evidence. The police thus seemed to be motivated by political considerations that seek to limit the efficacy of the protesters and shield state institutions from criticism.

The subsequent arrest of the Chief Steward and others based on factual claims that available video evidence seems to clearly controvert, further reflects this abuse of police powers. It is a worrying escalation in the assault on the right to protest in general, and on anti-war and pro-Palestine protests in particular.

As lawyers and legal scholars, we echo the concerns of the Joint Committee on Human Rights, the UN High Commissioner for Human Rights and many others that the drift of British law and policing poses a fundamental threat to the right to protest. A threat that it behoves all of us concerned with human rights, equality and the rule of law to resist.

We believe the charges should be dropped against those arrested, or subsequently charged, in relation to alleged public order offences on 18 January 2025, and that an independent investigation should be conducted into the policing of this protest. More fundamentally, we

call for a repeal of the raft of anti-protest laws passed in recent years, and a recalibration of the law in a way which genuinely protects the right to protest.

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