

LDMG UPDATE SEPTEMBER 2005

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1. G8

Most of our time is currently spent sorting out the aftermath of the G8 as part of the G8 Legal Support Group. The Group fielded legal observers at all the actions in Scotland throughout the week. Around 360 people were arrested and court cases are now taking place. Although some people were remanded (one person for 6 weeks), no one is currently in prison. The Group issued a statement condemning the policing and have appealed for witnesses. More details can be found at www.g8legalsupport.info where updates will also appear.

2. BENEFIT GIGS FOR A G8 DEFENDANT

Two gigs (not organised by us):

Sunday September 11th 2005

at O'Reilly's, Kentish Town

John Filament

The King Blues

+ more tbc

(acoustic ska, slam poetry, punk and the finest dj's)

£5

Sunday September 25th 2005

at Colour, Inverness Street, Camden

The King Blues

+ more tbc

(acoustic ska, slam poetry and the finest dj's)

£5

3. LDMG AT DSEi

The death fair returns to London Docklands in mid-September and once again LDMG will be providing Legal Observers at the protests. We will provide briefings at the training day and at the Disarm DSEi conference. We are still finalising the arrangements for observing the protests. If you want to be a Legal Observer then contact us. If you are going to DSEi, make sure you get a bust card. Information about the protests can be found at www.dsei.org

4. FIXED PENALTY NOTICES

In the last newsletter, we explained how Fixed Penalty Notices (FPN's) have already been used against activists. This note explains their scope and gives advice on what to do if you get one.

The Law

FPN's are at times misleadingly referred to as on the spot fines. This is misleading for two reasons: Firstly it is the FPN which can be issued on the spot, it is not the fine which is payable on the spot (even the cops balked at Blair's proposal to frog march people to cashpoints!); secondly whilst they may be issued on the spot, they may also be issued in the police station after arrest.

FPN's set a fixed fine for a number of minor offences. The penalty is either £50 or £80 depending on the offence. They can only be used for persons aged 16 or over.

One problem with FPN's is that the Home Secretary can add to the offences for which they can be used. At present the following offences might be used against protestors:

Behaviour likely to cause harassment, alarm or distress (s5 Public Order Act 1986)

Destroying or damaging property (limited to damage under £500)

Theft

Trespassing on a railway

Possession of or throwing fireworks

If you are issued with a FPN you have 21 days in which to either:

1. Dispute the offence; or
- 2 Pay the penalty.

If you choose 1 the Crown Prosecution Service (CPS) may prosecute you for the offence in the normal way. Of the 63,639 FPN's issued in 2004 only 4% were contested. The Government does not tell us the acquittal rate!

If you choose 2 then no further proceedings may be brought for the offence, and the penalty will not form part of your criminal record.

If you simply do not pay then the fine is increased by 50% (e.g. so £80 becomes £120) and is treated as an unpaid court fine (for which a warrant for arrest may be issued).

Deciding What to Do

The advantage of paying a FPN is that there is no risk of a criminal record and the matter is quickly over with. However the purpose of FPN's is to make life easier for the cops and to boost conviction rates. FPN's are only likely to be issued against protestors where the police case is weak or the offence so trivial that the CPS is unlikely to take it to trial.

If you are unlucky enough to be convicted, the Court can impose the penalty, but must take account of your income and give you time to pay. As with any offence, pleading not guilty is usually the best option.

Our Advice

You cannot refuse a FPN, but if you make statements like "I am not going to pay anyway" or "I'll just contest it", the cops may choose to arrest you and charge you in the normal way. As this involves a night in the cells, we advise you just to accept the FPN quietly.

Once you have the FPN you have 21 days to decide what to do - so don't just ignore it!

We urge anyone issued with a FPN to consider disputing it. Get good legal advice from a solicitor and (if issued at a protest) contact LDMG for advice. Also before paying, make sure that you check with anyone else arrested at the same time, as your admission could harm their defence and prevent you from being a witness for them.

5. FREEDOM TO PROTEST CONFERENCE

The conference aims:

- to share experiences, and promote mutual aid & co-ordination between protestors threatened by repressive laws
- to develop effective strategies for standing up for our freedom to protest against injustice and oppression

Any oppressive laws can be rendered unworkable through protest, non-co-operation and defiance

The Freedom to Protest Conference is on Sunday October 23rd 2005 from 11am to 5pm at [The Resource Centre](#), 356 Holloway Road, London, N7

5 mins from Holloway tube. Buses: 4, 17, 29, 43, 153, 253, 259, 271, 279 and X43

Venue fully accessible. Fitted induction loop. Admission free

For more information see: www.freedomtoprotest.org.uk

6. SHOOT TO KILL PETITION

Relatives for Justice have launched an online petition of support for the family of Jean Charles de Menezes, shot dead by the London Metropolitan Police. This initiative has come from families who themselves lost loved ones to Britain's policy of shoot-to-kill who wish to show their solidarity and support for the de Menezes family.

Details on <http://www.relativesforjustice.com/petition/>

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7. SUBSCRIBE

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Please forward to anyone who may be interested.