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**From the Permanent
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Office of the High Commissioner for Human Rights
Palais des Nations
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Seong-Phil Hong

Chair of the Working Group on Arbitrary Detention

David Kaye

Special Rapporteur on the promotion and protection of the right to freedom of
opinion and expression

Michel Forst

Special Rapporteur on the situation of human rights defenders

Fionnuala Ní Aoláin

Special Rapporteur on the promotion and protection of human rights and
fundamental freedoms while countering terrorism

Dear Mr Hong, Mr Kaye, Mr Forst and Ms Ní Aoláin,

I am writing in reply to your letter of 1 February 2019 regarding the conviction in December 2018 of 15 individuals as a result of their actions at Stansted Airport on 28 March 2017. Your letter referred to the prosecution as being 'on alleged terrorism related charges', which is incorrect. There has never been any suggestion that the defendants were terrorists, and they were not prosecuted under terrorism legislation.

The charge used in this case is from the Aviation and Maritime Security Act of 1990 and applies to those who intentionally disrupt service at an aerodrome, regardless of their motivation. Prosecutors select charges which reflect the seriousness and extent of the offending on the facts of each individual case and give the court adequate powers to sentence. The evidence in the case supported the charge – that the defendants' serious actions were likely to risk the safe operation of the aerodrome. Their case was put before a jury at Chelmsford Crown Court and they were unanimously convicted. They are currently appealing their convictions.

The evidence showed that unauthorised people with unidentified equipment and unknown intentions had cut through the perimeter fence into the airside part of Stansted airport. The protestors were in possession of scaffolding poles and metal tubing, which they used to lock themselves together forming a chain around the nose

of an aircraft. Their actions meant the runway was immediately closed down and all flights were suspended, meaning none could take off or land.

This caused a significant risk to the safety of those on the airside, the protestors included, and to the safe operation of the aerodrome. The potential consequences of a person impacting with an aircraft either taking off or landing, or a piece of debris being ingested into a jet engine were described as 'catastrophic', including the safety of entire aircrafts and all their passengers being at stake. The jury agreed that their actions were likely to endanger safety.

You will be aware that following their conviction, three of the defendants received suspended sentences, while the remaining twelve received community service orders. In passing sentence, the judge took the intention to demonstrate into account, but was clear that the defendants had been in no doubt of the safety implications of their actions.

Peaceful protest and freedom of expression are a vital part of any democratic society. It is a long-standing tradition in the United Kingdom that people are free to gather together and to demonstrate their views. This is evidenced by the thousands of demonstrations that take place every year. However, the rights to peaceful assembly and freedom of expression do not give anyone the right to endanger either public safety or the rights and freedoms of others, as the defendants in this case have been convicted of doing.

I hope this addresses your concerns in regard to the allegations you received. The UK Government reiterates our strong support for the work of the Office of the High Commissioner for Human Rights.

Yours sincerely,



JULIAN BRAITHWAITE