

Greenpeace UK actions taken against the war and their legal consequences

February 2004.

Greenpeace opposed the war in Iraq and campaigned actively to prevent it. We joined the Stop the War coalition and made submissions to the Foreign Affairs Select Committee on the illegality of the war, (see www.the-hutton-inquiry.org.uk/content/fac/fac_3_0219to0222.pdf) as well as various public statements on the subject. See www.greenpeace.org.uk for further information.

Greenpeace UK also took a series of actions over a period of ten days in the lead up to the Iraq war to prevent the transport of military hardware to the Gulf. These included:

Thursday, 30th January, 2003/1/03

A team of Greenpeace volunteers boarded and set up a peace camp on a military supply ship bound for the Gulf with a cargo of military hardware. The five volunteers climbed on to the vessel the MV Lyra as it was leaving its anchorage in the Solent. The millions of pounds worth of military cargo came from Southampton's Marchwood port which Greenpeace's flagship the Rainbow Warrior later successfully blockaded on Monday.

Saturday, 1st February, 2003

Greenpeace flagship the Rainbow Warrior set up a peace blockade at Southampton's Marchwood military port stopping military hardware leaving for the Gulf. Greenpeace resumed the peace blockade by anchoring the Rainbow Warrior directly in front of the military port where supply vessel 'Dart 8' was loading with helicopters, tanks and jeeps, thereby preventing it from sailing.

Tuesday, 4th February, 2003

Fourteen Greenpeace volunteers were arrested following a peaceful protest at Marchwood military base. The Greenpeace volunteers entered Southampton's Marchwood Military Port and occupied tanks queued up to leave on the roll-on/roll-off ferry Stena Shipper. Some of the volunteers entered the dock area on inflatable boats, evading Ministry of Defence speedboats to reach the tanks. They then climbed into the tanks, securing the hatches behind them. Other volunteers cut a hole in the perimeter fence and reached the tanks from the land. They locked themselves to the tanks using chains and padlocks, preventing the tanks from being loaded onto the ferry.

Legal consequences:

All fourteen defendants from the 4th February action have been charged with aggravated trespass, and four have also been charged with criminal damage. All the defendants pleaded not guilty on the following grounds:

- 1) Their right to freedom of expression and assembly under the Human Rights Act.
- 2) That the government cannot show that its activities at Marchwood docks were lawful (aggravated trespass involves the prosecution showing that the defendants disrupted lawful activity)
- 3) That the defendants believed their acts were necessary to prevent an unlawful and unjustified war and to save lives.

The legal team then initiated the usual 'disclosure' exercise, asking the CPS to ask the Foreign Office (FO), Home Office (HO) and Ministry of Defence (MoD) to disclose any documents that would support or undermine our case, including the Attorney General's advice to the government on the legality of the war.

In December the defence asked the DJ to order the prosecution to fulfil their disclosure duties. The judge then ruled that he would not push for continuation of this disclosure exercise because his court was not able to pass judgement on the deployment of UK armed forces.

In response to this surprise ruling the legal team drafted an appeal of this decision to be heard in the High Court by way of Judicial Review (JR). On February 24th HHJ Moses said that, in his view, the defendants could still raise any defence they wished and on 25th February the case against Katharine Gun was withdrawn. In the light of these recent events and the reason given for withdrawing the case against Katharine Gun, the Greenpeace defendants have renewed their request for the Attorney General's full opinion. The case is due to be heard in Southampton on 9th March 2004.

Other legal cases pending:

Daniel Rizotti, captain of the Rainbow Warrior, faces two summonses relate to events in Southampton Port on 27th January and 1st February 2003. They relate to anchoring the Rainbow Warrior in the fairway, so as to obstruct navigation without the permission of the harbour master contrary to byelaw 22 of the Southampton Harbour Byelaws 1988, and sections 51 and 52 of the British Transport Docks Act 1964 and section 83 of the Harbour, Docks and Piers Clauses Act 1847. No court date has yet been set.

Greenpeace opposed the war with Iraq because:

• It would have devastating human and environmental consequences.

Most of the health, water, sanitation and power systems in Iraq, destroyed during the first Gulf war, remained unrestored at the beginning of the second. Food supplies depend almost entirely on rationing, which is vulnerable to the civil disorder and administrative breakdown which has ensued. Greenpeace has drawn attention to the radioactive material left unsecured in the wake of the invasion and the resulting contamination of the local people.
http://www.greenpeace.org/international_en/campaigns/intro?campaign_id=135724

• War is an ineffective way to deal with weapons of mass destruction

We fully support disarming all nations that have weapons of mass destruction (WMD), including the United Kingdom. But pre-emptive military strikes against states suspected of possessing WMD do not provide a stable or reliable basis for controlling or abolishing them. This approach would require repeated armed interventions against numerous countries. States known to have nuclear weapons outside of any form of international control include India, Pakistan and Israel; North Korea is openly seeking to acquire them. The Bush administration has stated that at least 13 countries are pursuing biological weapons research. Does Bush intend to attack each of these in turn?

What is needed instead is a reinvigorated collective international arms control and disarmament system. The framework already exists through formal bodies such as the UN Conference on Disarmament in Geneva, and treaties such as the Nuclear Non-Proliferation Treaty (NPT), the Comprehensive Test Ban treaty, the Biological Weapons Convention and the Chemical Weapons Convention. But rather than being strengthened, this delicate framework is being undermined by the hypocrisy of existing nuclear weapons states, and by the actions of the Bush administration in particular, such as their development of new 'low yield' nuclear weapons and of a multi billion dollar 'star wars' system. If Bush and Blair are genuinely concerned about WMD, they should recommit themselves to the processes of arms

control, nuclear non-proliferation and disarmament.

• **Bush is clearly trying to get control of Iraq's oil reserves.**

As Nelson Mandela has said, an attack on Iraq would be "clearly motivated by George W Bush's desire to please the arms and oil industries of the USA". Iraq's known oil reserves are second in size only to Saudi Arabia's. The head of the Iraqi National Congress, an umbrella opposition group, has said "American companies will have a big shot at Iraqi oil" if he is running the country.

The British Government has recently announced that one of the top five priorities for foreign policy is securing access to energy supplies. Yet Blair still denies that the attack on Iraq had anything to do with oil.

• **This war sets a dangerous precedent**

Pre-emptive wars against 'potential' threats, unsanctioned by the UN security council and in contradiction of numerous international agreements, are unlikely to be conducive to international peace. Even Henry Kissinger argues that "the notion of justified pre-emption runs counter to modern international law, which sanctions the use of force in self-defence only against actual - not potential - threats." If this war was categorically illegal, as Greenpeace maintain, then the most serious and important parts of international law have been broken with impunity (so far). If international law can be reinterpreted to sanction this war then it is difficult to see what restraining power it has. Either way, unprovoked wars of aggression seem a lot less illegal than they did two years ago.

• **It's hypocritical to single out Iraq.**

Other countries such as India, Pakistan and Israel all have weapons of mass destruction. Many of these are also in breach of international law. If these laws are applied selectively they will have no legitimacy. The UK and the US (along with the other nuclear weapons states) are in breach of the non-proliferation treaty, the most widely ratified international treaty ever. Iraq, it would appear, was not.

Five steps to ridding the world of WMD and building real security.

Greenpeace are urging the US and UK to stop relying on military solutions and to instead adopt five strategies for ridding the world of weapons of mass destruction and building real security.

1. Full implementation and strengthening of the Nuclear Non Proliferation Treaty.
2. Fast phase out of so-called 'civil' nuclear power
3. Securing existing nuclear material.
4. Strengthening the Chemical and Biological Weapons Conventions.
5. Ending dependence on fossil fuels and nuclear power by developing the renewable economy.