



FSU
FREE SPEECH UNION

THE FREE SPEECH UNION
85 GREAT PORTLAND ST.
LONDON W1W 7LT
FREESPEECHUNION.ORG

Commissioner Cressida Dick CBE
Metropolitan Police
New Scotland Yard
8 – 10 Broadway
London SW1H 0BG

2nd June 2021

Dear Ms Dick,

Ms Hatun Tash

I am writing to you in my capacity as General Secretary of the Free Speech Union, a non-partisan, mass membership public interest body that stands up for the speech rights of its members and campaigns for free speech more widely.

I'm writing to you about one of our members, Ms Hatun Tash, a frequent speaker at Speaker's Corner in Hyde Park.

Ms Tash is a Christian evangelical speaker and is open in her criticism of some of the doctrines of Islam and the Qur'an. Since the summer of last year, large groups of protestors, mostly Muslim men, have tried to prevent her from speaking in Hyde Park.

These protests have now escalated to the point where Ms Tash is often threatened with physical violence by some of these individuals and, more than once, has been assaulted by them. On several occasions, the police have responded to these disturbances by forcibly removing Ms Tash from Hyde Park, even though she is not the aggressor in these confrontations.

On Sunday 23 May she was arrested under section 4A of the Public Order Act 1986. She was released without charge on Monday 24 May, although we understand property that was taken from Ms Tash when she was arrested has not been returned.

We are concerned that an individual exercising their lawful right to free speech should be arrested by your officers when confronted by a mob of aggressive men threatening her with violence. Shouldn't they be protecting her from these men, rather than arresting her? I think Ms Tash is entitled to an apology.

Ms Tash wore a T-shirt depicting the prophet Muhammad crying, pointing at a paint brush, and saying 'I am so emotionally offended by this bigot drawing me.' I am alarmed that your officer decided this was evidence of an 'intent to cause a person harassment, alarm or distress'. The T-shirt, which was certainly provocative, alluded to an ongoing political controversy in this country regarding the scope of freedom of

speech. As such it was well within the scope of speech protected by Article 10 of the European Convention on Human Rights, thereby giving Ms Tash a defence of 'reasonableness' under subsection (3).

Even if free speech rights did not apply in this case, the officer had no reasonable grounds to infer such malicious intent from the simple wearing of a garment. Had there been reasonable grounds to arrest Ms Tash, she should have been arrested under section 5 of the Act. So why did the officer choose the more punitive section 4A? Why did the officer choose to arrest her at all if the primary intent was to guard her personal safety?

The question also arises, of course, as to why the officer did not arrest her under section 29B of the Public Order Act 1986, concerning the intent to stir up religious hatred. The officer's account of the arrest suggests that, as it appeared to that officer, section 29B would have applied equally. Had that decision been taken, Ms Tash would have been protected by section 29J:

Nothing in this Part shall be read or given effect in a way which prohibits or restricts discussion, criticism or expressions of antipathy, dislike, ridicule, insult or abuse of particular religions or the beliefs or practices of their adherents, or of any other belief system or the beliefs or practices of its adherents, or proselytising or urging adherents of a different religion or belief system to cease practising their religion or belief system.

The effect of the officer's decision was to deprive Ms Tash of the free speech protection which Parliament intended her to have by way of section 29J. I accept that the situation at Hyde Park that day was volatile and challenging and your officers will have had to make quick decisions. However, I believe that it is your job as Commissioner to train your officers to avoid acting in a way that is incompatible with free speech rights. That means, in a case such as this where there is a more or less equal choice between arrest under s.4A or s.29J, erring in favour of the provision most likely to protect a fundamental right.

In addition, I would like your assurance that Ms Tash will not be arrested again if she exercises her lawful right to free speech and that if she's threatened with violence by a group of men, or assaulted by any of them, it is those men who will be arrested for a breach of the peace, not our member.

Although Ms Tash was released without charge, the fact that she was arrested, as well as the police's failure to protect her from a group of intimidating, violent men, will have had a chilling effect on free speech.

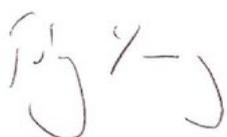
In a letter to you of 15 May 2021, we asked you what steps you are taking as Commissioner to ensure that your officers, in doing their jobs, uphold the fundamental rights of street preachers in London. The prompt response from Detective Inspector Chibber, which we are grateful for, did not answer this question.

We therefore ask again what training and/or guidance is in place to ensure that your officers both understand citizens' rights in manifesting and expressing their religious beliefs, and safeguard those rights in making decisions about whether to arrest? The arrests of Oluwole Ilesanmi and John Sherwood, and now Ms Tash, point to a systemic failure to protect the fundamental rights of freedom of belief and expression.

The Met's promise to respect the rich diversity of London's population will ring hollow unless it can demonstrate, through its deeds, a commitment to the liberties of all Londoners.

We look forward to hearing from you.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'J. J.', is located at the bottom left of the page.

Toby Young
General Secretary
The Free Speech Union
toby@freespeechunion.org

cc: Rt Hon. Priti Patel, Secretary of State for the Home Department