



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

2 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.

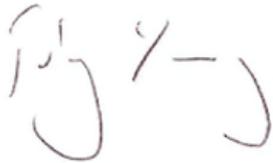
Although Ms Tash was released without charge, the fact that she was arrested, as well as the police's failure to protect her from a group of intimidating, violent men, will have had a chilling effect on free speech.

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.

A handwritten signature in dark ink, appearing to read 'Toby Young', written in a cursive style.

Yours sincerely,

Toby Young

General Secretary

The Free Speech Union

toby@freespeechunion.org

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

Sent: Friday, June 25, 2021 9:31:10 AM
To: Free Speech Union <info@freespeechunion.org>
Subject: Hatun Tash

Dear Mr Young,

I am contacting you in response to the letter you sent to the Commissioner's office re Ms Hatun Tash that has been forwarded to me.

I am an Inspector in the MPS Royal Parks operational command unit who are responsible for policing London's Royal Parks, including Speaker's Corner, Hyde Park. I am also the second line manager of the arresting officer.

As you are aware (as am I), Ms Tash has been attending Speaker's Corner for some time now. Ms Tash is well known to Royal Parks officers. She is a controversial and forceful speaker whom Muslim attendees often find offensive. She has been known to deface the Koran in front of Muslim attendees for example. She broadcasts events via a YouTube channel, attracting worldwide praise and condemnation in equal measure. Ms Tash has received advice about potential threats to her safety at Speakers Corner and elsewhere. She has had threats made against her, and suffered a minor assault, the suspect of which is known and is currently under investigation by Royal Parks officers. There has also been a third party allegation made of Ms Tash being a victim of an offence on the day of her arrest that is currently under investigation by Royal Parks officers.

Officers at Royal Parks police Speaker's Corner every week and are aware of the "provocative" nature of some of the speakers but also of their right to freedom of speech. They have been previously and continue to receive regular training inputs into the unique nature of policing Speaker's Corner.

I was aware of this matter you have highlighted and had spoken to the officer concerned and other officers at Royal Parks prior to receiving your correspondence.

The incident was exacerbated by the attendance of an unconnected protest group who do not normally attend Speaker's Corner and were offended by Ms Tash's t-shirt and her speaking. The group numbered 30-40 persons and there were 2 officers present at the time. The focus of the groups attention was directed at Ms Tash which was becoming volatile and threatening. The officers initially requested Ms Tash leave for her own safety. She refused and was then directed to leave under The Royal Parks and Open Spaces Regulations 1997 s.3(1) – Intentionally or recklessly interfere with the safety, comfort or convenience of any person, this was again done more in fear of her safety and clearly as asking a group of 40 volatile persons to leave would have been impossible. Also of note under the regulations is s.3(14) – Fail, when in the public speaking area in Hyde Park, to comply with a direction given by a constable to move from some place in that area or to leave the area.

Officers then describe having bottles thrown towards them, necessitating the need to call for the assistance of more officers. On arrival of other officers, a decision was made to arrest Ms Tash to prevent a Breach of the Peace and to remove her from the area. This decision was made primarily to protect the safety of Ms Tash, prevent an escalation of a developing public order incident and made in what was becoming a hostile and threatening environment for the officers. A decision to further arrest her for s.4(A) Public Order Act was made later.

As previously stated I have already spoken with the officers to discuss the incident and other options that were available to them, including under the Royal Parks and Open Spaces Regulations.

I can assure you the Royal Parks officers who regularly police Speaker's Corner, are regularly provided input and training and indeed have updated training scheduled for July.

As far as your request to be assured that MPS wide, officers are receiving training around the fundamentals of free speech, I believe Detective Inspector [REDACTED] answered this in his e-mail to you dated 3rd June.

Regards,

[REDACTED]

Inspector

Royal Parks Operational Command Unit

Teams 3,4 & 5

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31 July 2021

Dear Ms Dick,

Attack on 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.

This letter concerns the knife attack on Ms Hatun Tash at Speaker's Corner on 25 July 2021. Ms Tash is a member of the Free Speech Union. We would like reassurance, in light of what seems to have been an attempt to inflict serious injury on Ms Tash, that the Metropolitan Police will protect her rights to life, freedom of religion, and freedom of expression.

On 2 June 2021, we wrote to you about Ms Tash's arrest by the Met on 23 May 2021. We asked for assurance that, in the event of Ms Tash being threatened with or suffering violent assault, the Met would take action against those using violence, and would refrain from arresting Ms Tash for exercising her rights to freedom of religion and expression.

Inspector Trevor Richards replied to our letter on 25 June with the following:

Ms Tash has received advice about potential threats to her safety at Speakers Corner and elsewhere. She has had threats made against her, and suffered a minor assault, the suspect of which is known and is currently under investigation by Royal Parks officers. There has also been a third party allegation made of Ms Tash being a victim of an offence on the day of her arrest that is currently under investigation by Royal Parks officers.

A number of questions arise from Inspector Richards' email and subsequent events:

1. Did Royal Parks officers continue its investigations against the persons suspected of offences, including assault, against Ms Tash? Were arrests made?
2. Did Royal Parks officers update Ms Tash on the progress of investigations, and on any further threats to her safety?

3. Do officers believe that the knife attack on 25 July was carried out by a person who was already under investigation?
4. What further steps will officers take to ensure that Ms Tash can exercise her rights to freedom of religion and expression without risk to her personal safety?

As you will be aware, Ms Tash's situation engages a range of obligations on the police. Under Article 2 of the European Convention on Human Rights, the police have a positive obligation to take operational measures to protect an individual whose life is at risk from the criminal acts of another individual (*Osman v. the United Kingdom*, App. No. 87/1997/871/1083 (1998) [115]).

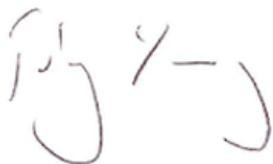
The Supreme Court has also held, in *Metropolitan Police Commissioner v DSD and another* [2018] UKSC 11, that police can be liable under Article 3 of the Convention for failure to investigate allegations of serious violent crime.

We hope that the recent knife attack on Ms Tash, in light of the legal obligations on the Metropolitan Police and its officers, will effect a sea-change in its approach to her. It is time to accept that Ms Tash is not a threat or a criminal, but a citizen in danger whose only option is to rely on the police to protect her fundamental rights. We fear that failure to grasp this reality will result in an avoidable tragedy.

We believe also that Ms Tash's case engages a question of pressing public interest – to what extent does the Met accept that it is under a positive obligation to protect Ms Tash's rights to freedom of religion and expression? In the case of *Fáber v. Hungary*, App. No. 40721/08 (2012), the European Court of Human Rights held that Article 10, interpreted in light of the Article 11 right to protest, imposes on the state a positive obligation to protect the right to demonstrate, even if this involves operational measures by police to prevent the outbreak of violence between opposing parties.

We accept that policing the capital with necessarily limited resources is a difficult job. As such, we recognise that there is a practical limit to the protection the police can offer to Ms Tash. However we believe that the duty in *Fáber v. Hungary* is clearly engaged in this case. The Met must therefore make clear to Ms Tash, if it hasn't already, the steps it proposes to take in order to facilitate her right to speak in Hyde Park. In addition, the Met should make clear to the public, in general terms, how it proposes to carry out its positive duty to protect freedom of speech against intimidatory violence from those seeking to silence others.

Yours sincerely,



Toby Young
General Secretary, The Free Speech Union

toby@freespeechunion.org

cc: Inspector Trevor Richards