



A BRIEF HISTORY

Introduction

The roots of I'm a Photographer Not a Terrorist (Phnat) grew from a small group of London-based photographers and videographers who covered political protest in Britain and around the world. They found themselves under surveillance from the Metropolitan Police Forward Intelligence Teams (FIT). The National Union of Journalists (NUJ) was informed that police had started documenting them working, following them around and generally harassing them.

It was decided early on that the only way to combat this undemocratic and repressive practice was a collective one. The seeds of a campaign to defend photographers rights were sown. The guiding principle - one of solidarity between photographers and videographers on the ground.

Credits

Written by Jess Hurd, Jason N. Parkinson, Grant Smith, Marc Vallée and Jonathan Warren.

Designed by Jonathan Warren.

Project Coordinator - Larry Herman

Thanks to Jeremy Dear and Jeff Moore.

Funded by The National Union of Journalists and The Campaign for Press and Broadcasting Freedom, supported by the British Press Photographers Association and the London Photographers' Branch



**THOUSANDS OF PEOPLE
TAKE PHOTOS EVERY DAY.
WHAT IF ONE OF THEM
SEEMS ODD?**

Terrorists use surveillance to help plan attacks, taking photos and making notes about security measures like the location of CCTV cameras. If you see someone doing that, we need to know. Let experienced officers decide what action to take.

TERRORISM. IF YOU SUSPECT IT, REPORT IT.

In February 2008 the Metropolitan Police launched an “anti-terrorist” poster campaign that targeted photographers. There was an overwhelming anger from professional and amateur photographers across the country and real concern of an increase in the use of Section 44 of Terrorism Act 2000.



One man Protest

On Friday 28 March 2008 NUJ General Secretary Jeremy Dear staged a one-man protest outside New Scotland Yard, the headquarters of the Metropolitan Police, to protest the Met “anti-terrorist” poster campaign and the increasing harassment and use of stop and search powers on photographers.

The style of the protest was inspired by the “mass lone protests” comedian Mark Thomas was organising in Parliament Square in defence of the right to protest. It was also a way for photographers to highlight the issue without protesting, a tactic that would be used later on a much larger scale.

Image: Jess Hurd

A letter to the Home Office

In May 2008 the NUJ wrote to the then Home Secretary Jacqui Smith to call for an end to police surveillance of photographers. Both the Press Gazette and the British Journal of Photography reported the story.

In the letter NUJ General Secretary said Jeremy Dear said:

“The government must stamp out the routine and deliberate targeting of photographers and other journalists by the Forward Intelligence Team. Such actions undermine media freedom and can serve to intimidate photographers trying to carry out their lawful work. These abuses are the latest in an increasingly long list of infringements of media freedom at the hands of the Met Police. The rights of photographers to work free from threat, harassment and intimidation must be upheld.”

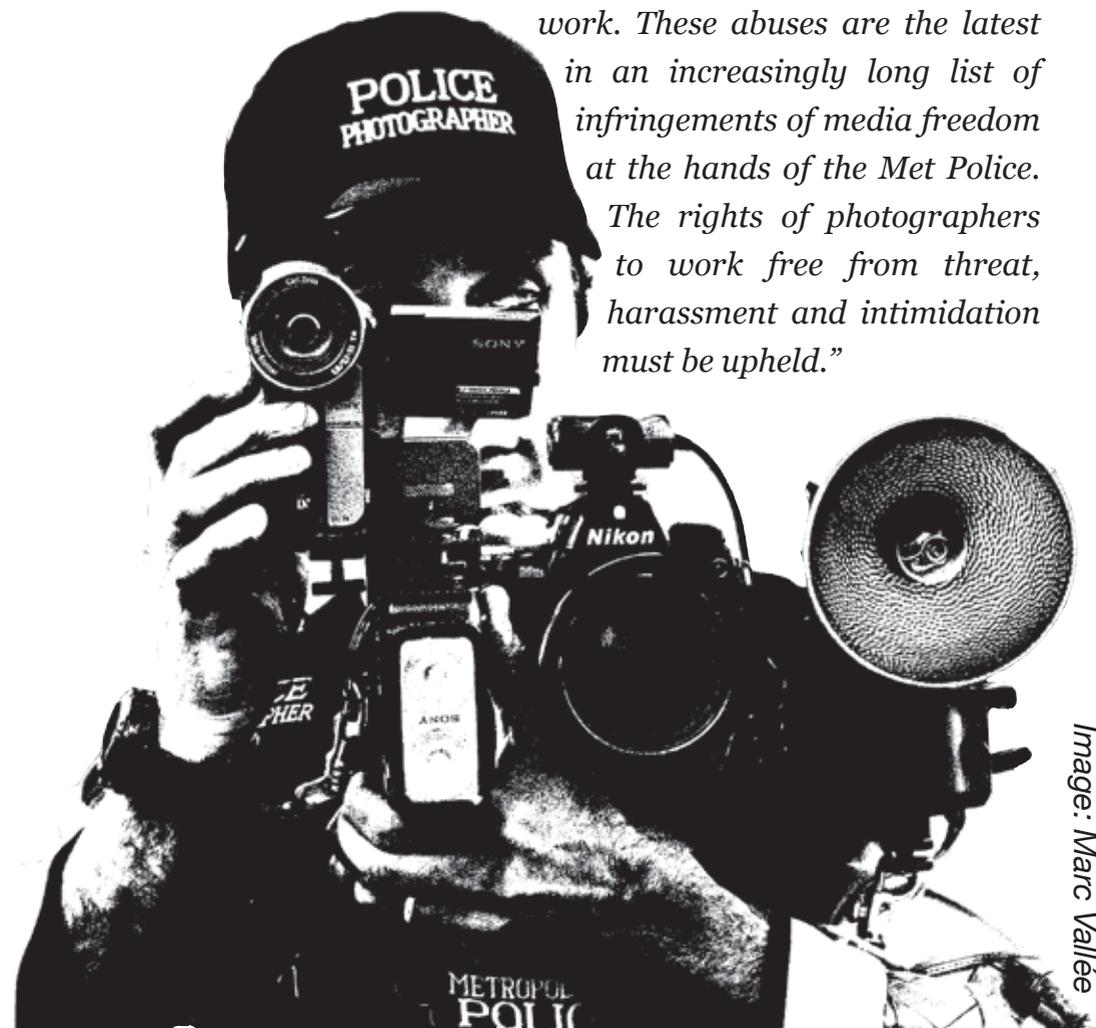


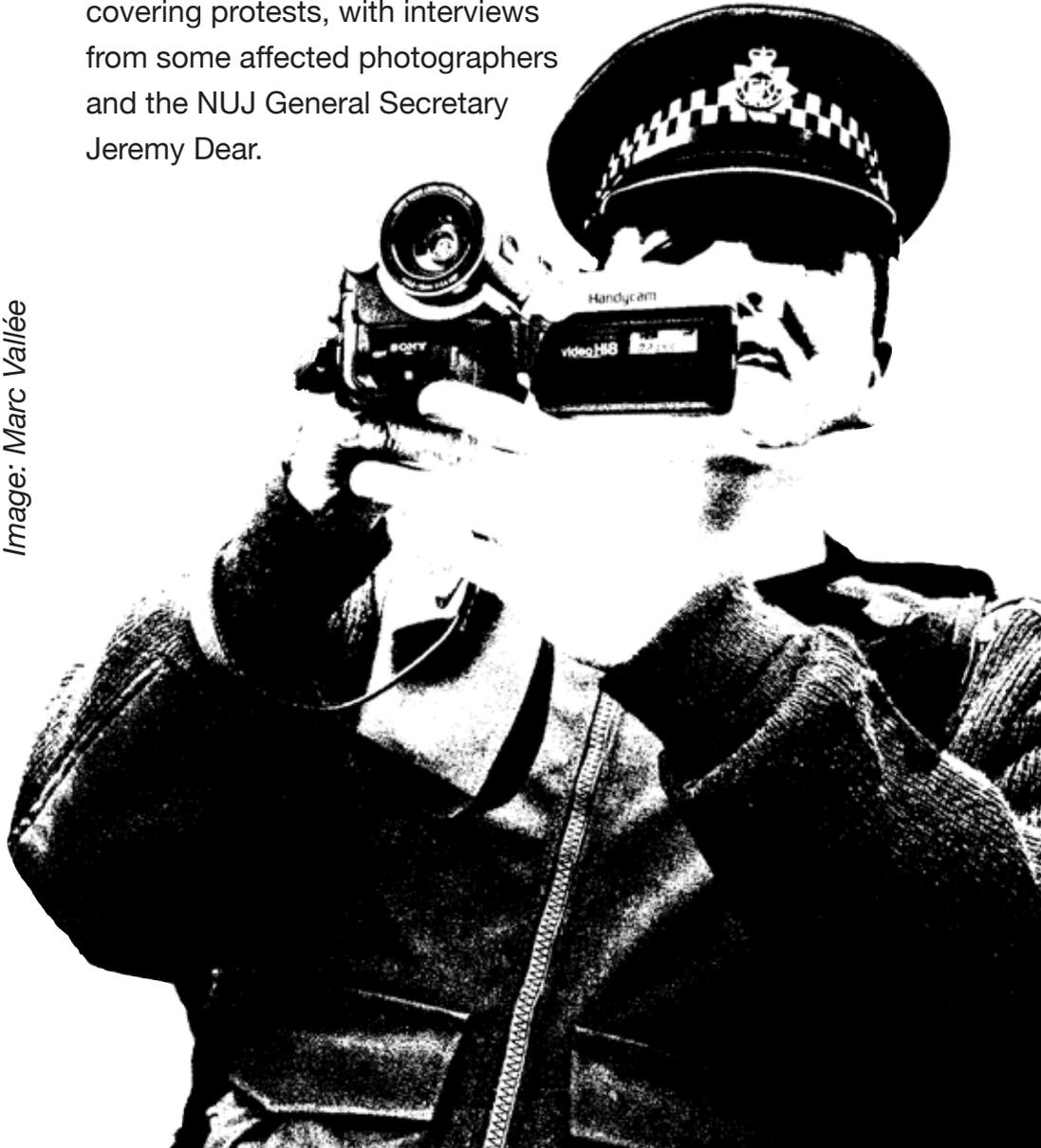
Image: Marc Vallée

Collateral Damage

At the TUC Congress on 8th September 2008 the NUJ released a short documentary film Press Freedom - Collateral Damage by Jason N. Parkinson.

The 10-minute film exposed evidence of the police targeting and obstructing photographers and videographers while covering protests, with interviews from some affected photographers and the NUJ General Secretary Jeremy Dear.

Image: Marc Vallée



Parliamentary Evidence

The NUJ gave evidence to the Joint Committee on Human Rights at Portcullis House on 21 October 2008 on police surveillance and harassment of journalists. The following Tuesday the NUJ also met the Minister of State responsible for policing, crime and security Vernon Coaker MP.

Know Your Rights

In conjunction with the NUJ, Photo-Forum, the monthly photographic get-together in London organised an event in February 2009 titled “Know Your Rights: I’m a Photographer, Not a Terrorist” where photographer Peter Macdiarmid talked about his experiences of photographic restrictions. Hickman and Rose solicitor Anna Mazzola laid down the law and informed people of their rights. And NUJ photographer Andrew Wiard gave a history of the UK press card.

Jess Hurd on being Stopped & Searched

“As part of an on-going documentary project I was invited to cover a traveller wedding on UN Human Rights Day in December 2008. I was stopped by police officers under Section 44 of Terrorism Act 2000 whilst filming the wedding reception in the London Docklands.

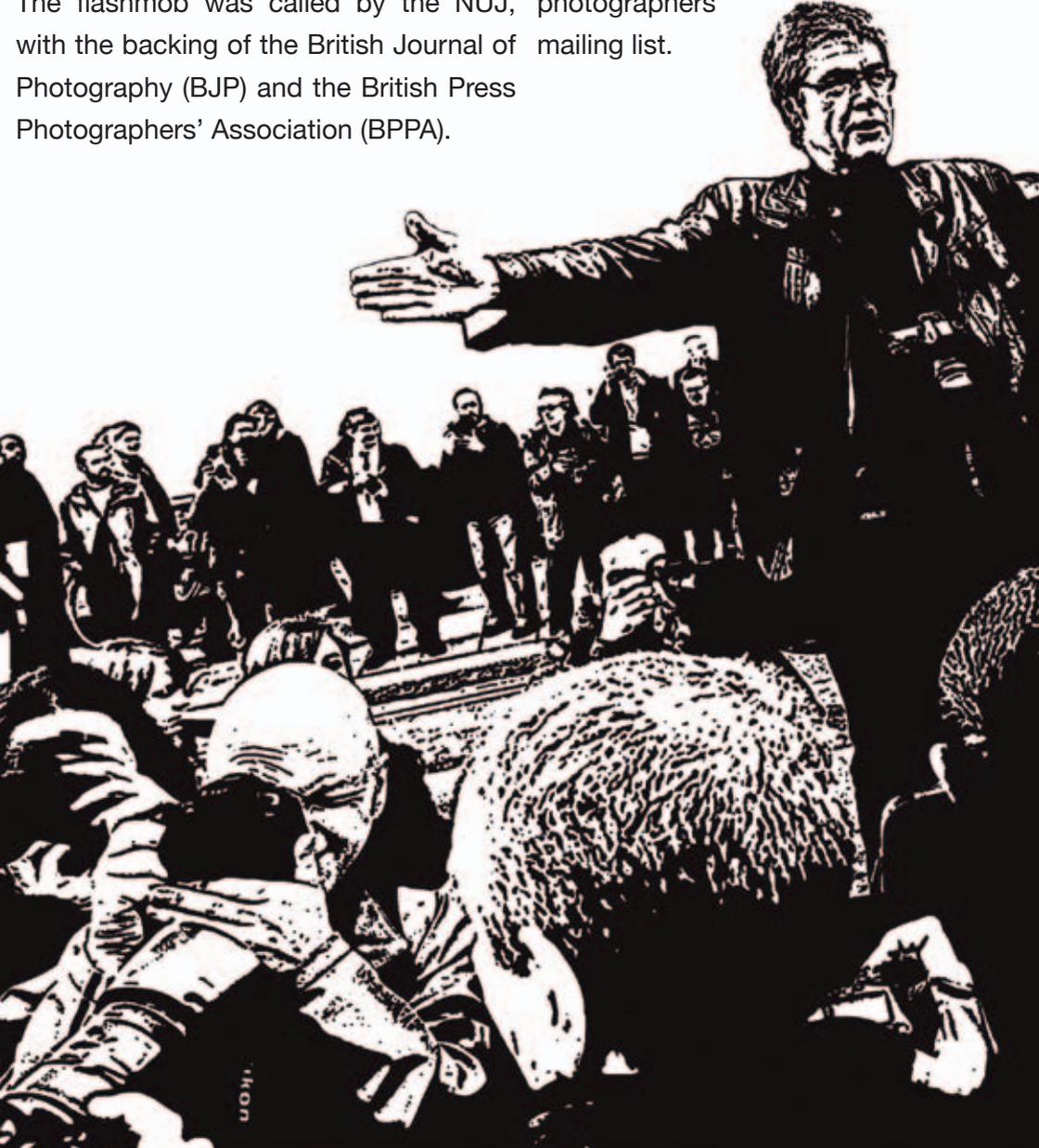
“In a very intimidating encounter with three officers they said that I “could be doing hostile reconnaissance”. I was prevented from filming, had my camera seized, was detained for 45 minutes and told by the police that they “can do anything under the Terrorism Act”.

“We successfully complained to the Independent Police Complaint Commission, who acknowledged that in relation to the suspension of the use of Section 44 “it is cases such as this that have helped in bringing about such changes”.

Section 76 - New Scotland Yard Media Event

Photographers were back outside New Scotland Yard on Monday 16 February 2009. This time 400 hundred turned up to stage a mass photo-taking media event, marking the enforcement date of Section 76 of the Counter Terrorism Act 2008. The flashmob was called by the NUJ, with the backing of the British Journal of Photography (BJP) and the British Press Photographers' Association (BPPA).

The plan was simple - turn up with a camera and exercise our democratic right to take photograph in a public place. A Facebook event was set up, photographers blogged about it and emails were sent out on every photographers' mailing list.



“Taking photographs of police officers could be deemed a criminal offence under anti-terrorism legislation that comes into force next week. Campaigners against section 76 of the Counter-Terrorism Act 2008, which becomes law on Monday, said it would leave professional photographers open to fines and arrest.

“Under section 76, eliciting, publishing or communicating information on members of the armed forces, intelligence services and police officers which is “likely to be useful to a person committing or preparing an act of terrorism” will be an offence carrying a maximum jail term of 10 years.”

- The Guardian



“Section 76 will fit in nicely alongside other blunt instruments such as Section 44 of the Terrorism Act 2000, which has had a huge impact on photography in a public place.”

- Marc Vallée, Comment is Free



Launch Party

The need to push Phnat out beyond its base of professional photographers was made apparent at photographic events across the country. Jess Hurd shared a platform with David Hoffman and spoke about the abuse of terrorism powers at the Redeye event in Manchester. Photographers, amateur and professional, complained of being routinely stopped and searched by police and harassed by security guards, one famously for photographing owls at night in Manchester City centre.

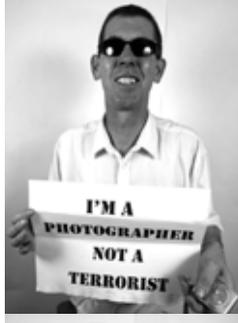


It became clear the injustice was widespread, that incidents needed collating and a coordinated collective response was needed.





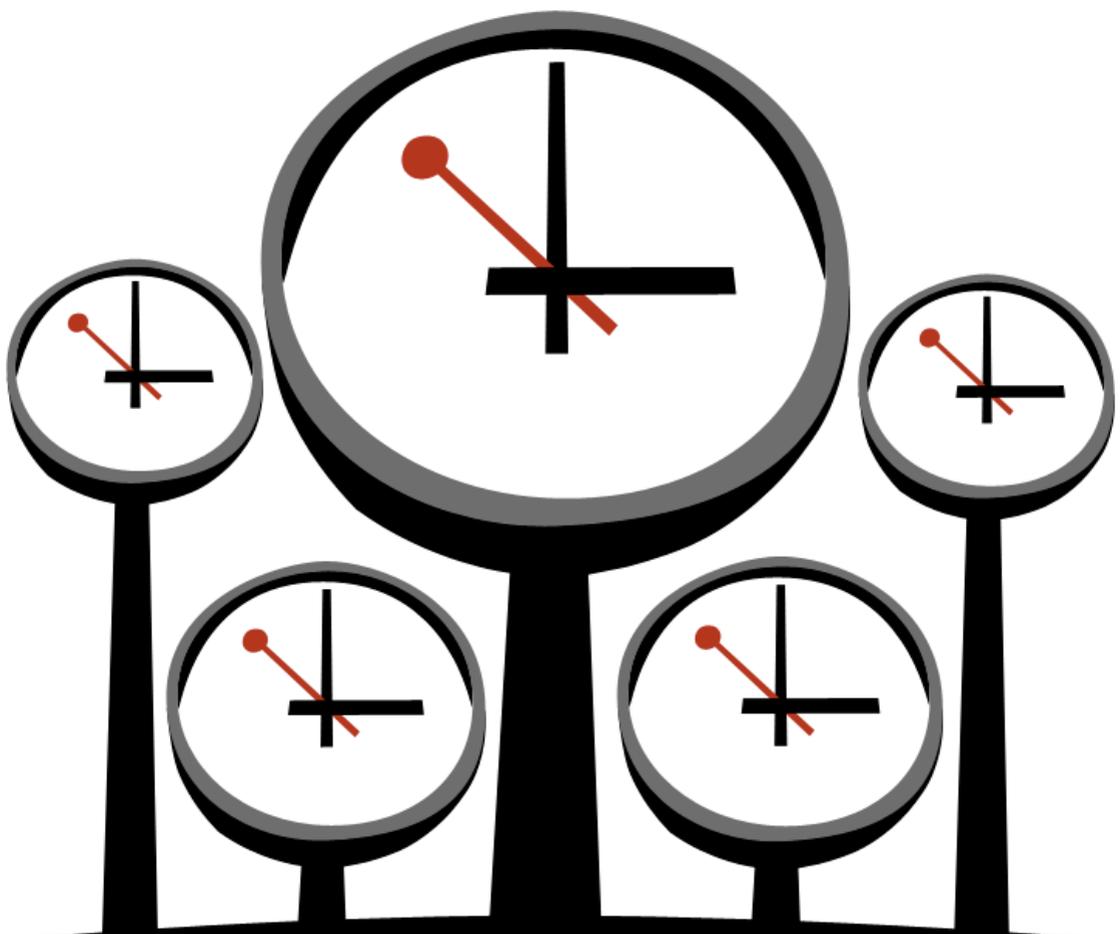
The “I’m a Photographer Not a Terrorist” website, designed by Jonathan Warren, was launched on Saturday 8th August 2009 at the Foundry, an alternative arts venue in East London. The event was a great success. Around 300 photographers spilled out onto the pavement and were entertained by the Hackney Secular Singers, London’s only punk choir. There were vegan cupcakes and a raffle of donated prints. Everyone had their quirky photo-booth picture, taken by Jonathan Warren, which were simultaneously projected inside and outside the venue by the Rucksack Cinema. The website in conjunction with social networking was a viral success, growing very quickly to nearly 30,000 supporters.



Images: Jonathan Warren



**FLASHMOB
CANARY WHARF
12 SEPT. 3PM
THE CLOCKS**



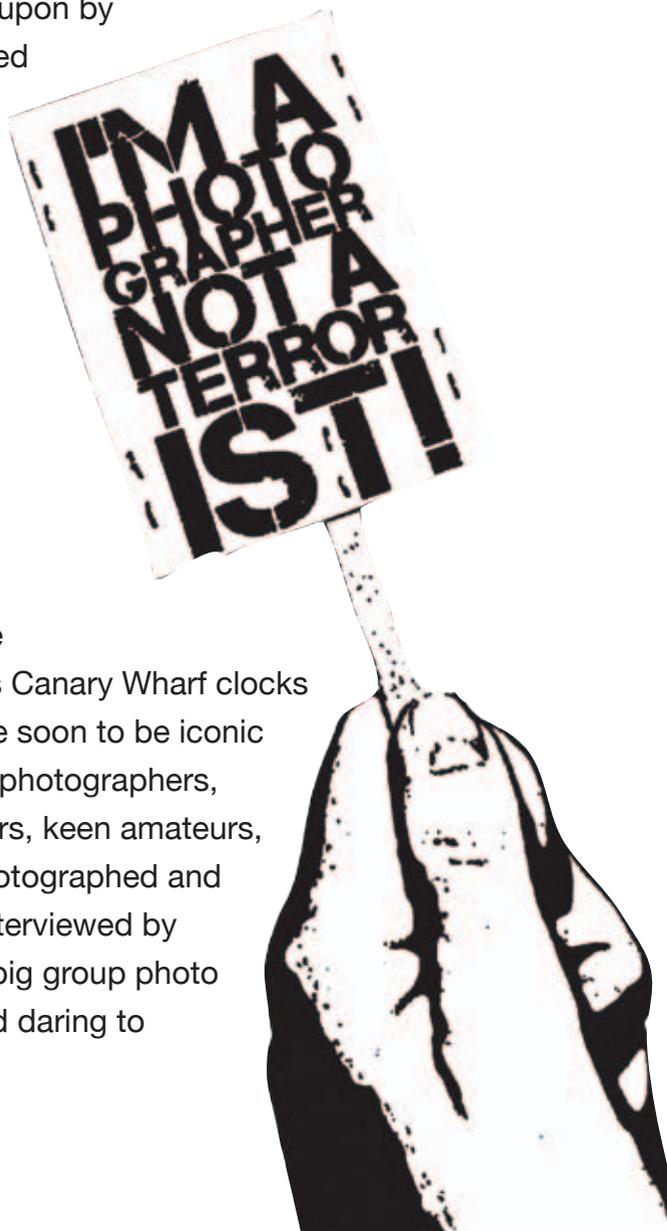
Photographer Not A Terrorist.org / Events

Canary Wharf Flashmob

The following month we took on the mighty Canary Wharf security guards in the first Flash-mob designed to demonstrate photographers rights and challenge the growing problem of privately owned public space. Canary Wharf security guards reputation was and continues to be notorious. Photographers find themselves pounced upon by uniformed and plain clothed security guards for just pulling out a camera. They were also known to get aggressive, obstruct photographers and cover lenses. This happened a few months previously to journalists covering anti-capitalist protests in the Docklands.

Approximately 100 people descended on the famous Canary Wharf clocks with their cameras and the soon to be iconic miniature placards. Press photographers, architectural photographers, keen amateurs, fire fighters and artists photographed and filmed each other, were interviewed by various media and had a big group photo without one security guard daring to appear to halt the event.

Image: Jess Hurd

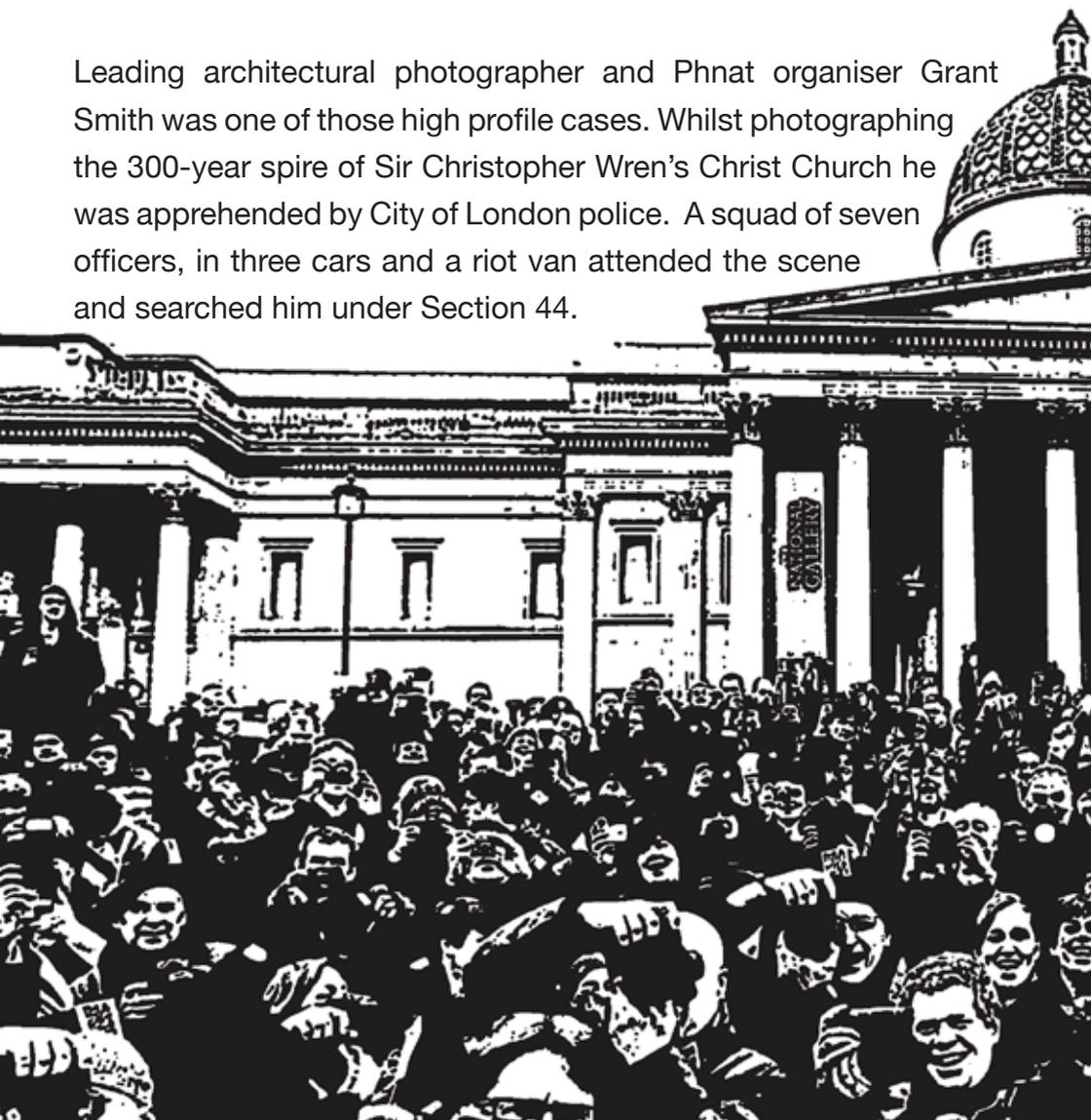


Mass Photo Gathering

On Saturday 23rd January 2010 Trafalgar Square was swamped by 3,000 photographers that Phnat had mobilised to protest against increased use of stop and search powers against photographers.

In the weeks leading up to the event an avalanche of high profile stop and searches, threats and arrests of photographers highlighted once again the police were equating photographers with the threat of terrorism.

Leading architectural photographer and Phnat organiser Grant Smith was one of those high profile cases. Whilst photographing the 300-year spire of Sir Christopher Wren's Christ Church he was apprehended by City of London police. A squad of seven officers, in three cars and a riot van attended the scene and searched him under Section 44.



BBC photographer Jeff Overs was also stopped under suspicion of terrorism reconnaissance while photographing St Paul's Cathedral. Amateur photographer Andrew White was questioned by two police community support officers for photographing Christmas lights in Brighton.

The issue was lampooned by Guardian cartoonist Steve Bell who depicted Police Community Support Officers arresting train spotters and automatic photo booths.

On the day the BBC, ITN, CNN and Sky News all ran live reports and interviews from Trafalgar Square. Phnat had mobilised thousands and reached millions of people across the country and worldwide.

The end of Section 44 was in sight.

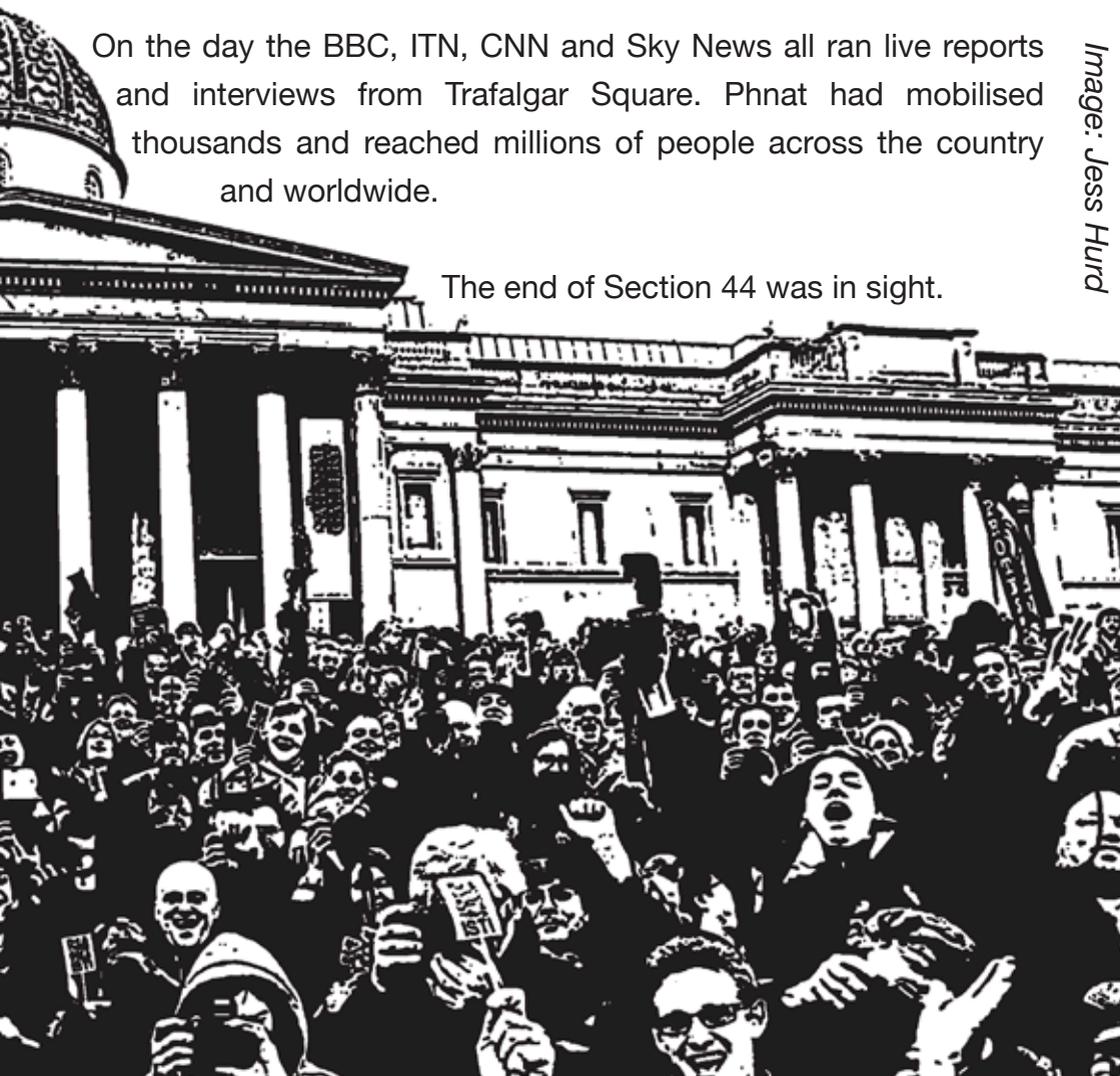


Image: Jess Hurd

Hostile Reconnaissance Rally



The NUJ London Photographer's Branch (LPB) along with Phnat held the Hostile Reconnaissance rally at Friends Meeting House in Euston in April 2010.

The event was opened with the premiere of Jason N. Parkinson's film *Press Freedom: Hostile Reconnaissance*. It further exposed surveillance, harassment and the increasing violence journalists faced at the hands of the police while documenting protest. The film also catalogued the Phnat campaign from the Section 76 protest, the Canary Wharf flashmob, right up to the Trafalgar Square mass gathering. The film went on to be widely shown among the Trades Councils, trade union meetings and the 2011 NUJ Delegate Meeting.

The rally heard accounts from journalists being harassed by police whilst working, being forced to erase images under the threat of arrest, detention on trumped up charges of 'breach of the peace' and forced removal from covering protests using public order legislation.

The panel, chaired by LPB chair Jess Hurd, included lawyer Chez Cotton, photojournalist Marc Vallée, civil liberties columnist Henry Porter, NUJ General Secretary Jeremy Dear, law academic Keith Ewing and Pennie Quinton, the NUJ photographer who successfully challenged stop and search terror laws in the European Court of Human Rights.

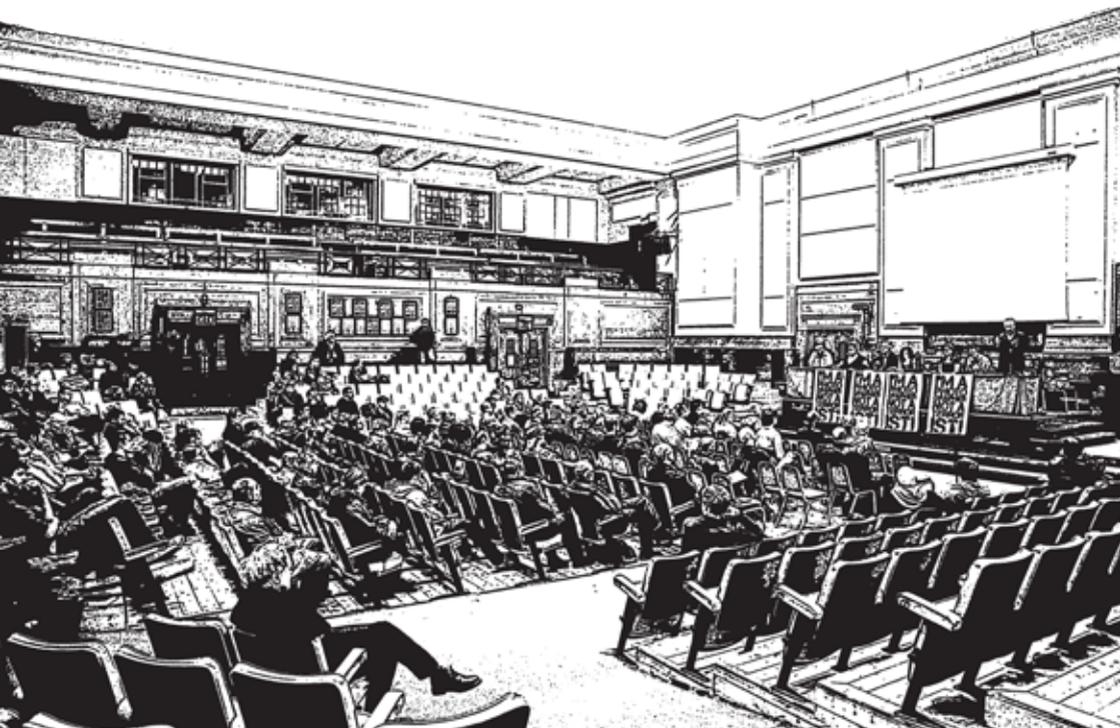
Prof. Keith Ewing called for a Swedish-style press freedom bill to enshrine specific rights for journalists.

Observer columnist Henry Porter spoke about the depressing emails he received each day on human rights abuses in the UK.

Human rights lawyer Chez Cotton gave examples of cases she had worked on - the use of Section 14 of the Public Order Act to disperse journalists at the G20 protests, a photographer forced to delete images and threatened with arrest for documenting a brutal arrest and a journalist being denied the right to take a photograph, then being arrested for breach of the peace, whilst trying to report on the scene of a fire.

“Don’t believe for one second that the answer is to replace an illiberal New Labour regime with an authoritarian Conservative one.”

- Jeremy Dear



Victory Flashmob

July 4th 2010, Independence Day, we celebrated a very significant victory with a Flashmob outside New Scotland Yard.

The European Court of Human Rights rejected the governments' appeal to its decision in January 2010 that ruled Section 44 of the Terrorism Act 2000 in breach of Article 8 of the European Convention on Human Rights.



The landmark ruling found in favour of Kevin Gillan and Pennie Quinton, a protester and photographer who were stopped by police on their way to a demonstration in 2003.



Image: Jess Hurd

European Court of Human Rights rules Section 44 unlawful

by Pennie Quinton

In 2009 the European Court of Human Rights (ECHR) ruled, in a case brought by Kevin Gillan and myself with Liberty, that it is a serious breach of Article 8a of European Convention on Human Rights, which guarantees the right to private life.

In September 2003 I was stopped and searched under Section 44 while reporting protests at the Defence Systems & Equipment International (DSEi) arms fair at the ExCeL centre in Docklands.

As a result of my detention and subsequent search under Section 44, I and Kevin Gillan took the case with Liberty to the High Court, arguing that Section 44 was poorly drafted and allowed the police powers that were not intended. We lost, but granted leave to appeal to the House of Lords. The Lords ruled against us, finding that Section 44 was written as “it was intended to be used” and was not a breach of privacy under Article 8a.

Lord Bingham stated that British citizens should be prepared to sacrifice a little of their privacy in the face of the current terror threat; should Section 44 be used inappropriately against individuals they must seek remedy in the lower courts. We sought justice in the Central London County Court, where our case was heard by a jury. Our experience in the lower court further demonstrated the faults of Section 44: the jury were unable to rule in our favour as under Section 44 the police did not have to have any reason to carry out a search.

The Section 44 powers were supposed to apply only in areas “designated” by a senior officer. The reality was that the police had a continuous monthly rolling authorisation throughout Greater London. The public were not entitled to know where or when a Section 44 authorisation was in place.

The stop-and-search power in Section 44 was intended as an exceptional measure to protect the public from the threat of terrorism, yet protests in the UK were policed using this legislation. Press photographers and camera operators were targeted heavily under this power.

The ECHR found unanimously that Section 44 was a serious violation of the right to privacy and gave the British government no leave to appeal.

We need to continue to demonstrate that there can be no place in Britain for a search power that enables the police to search without even reasonable suspicion. Our right to freedom of expression and, as the European Convention on Human Rights puts it, to “impart information” is a fundamental principle.

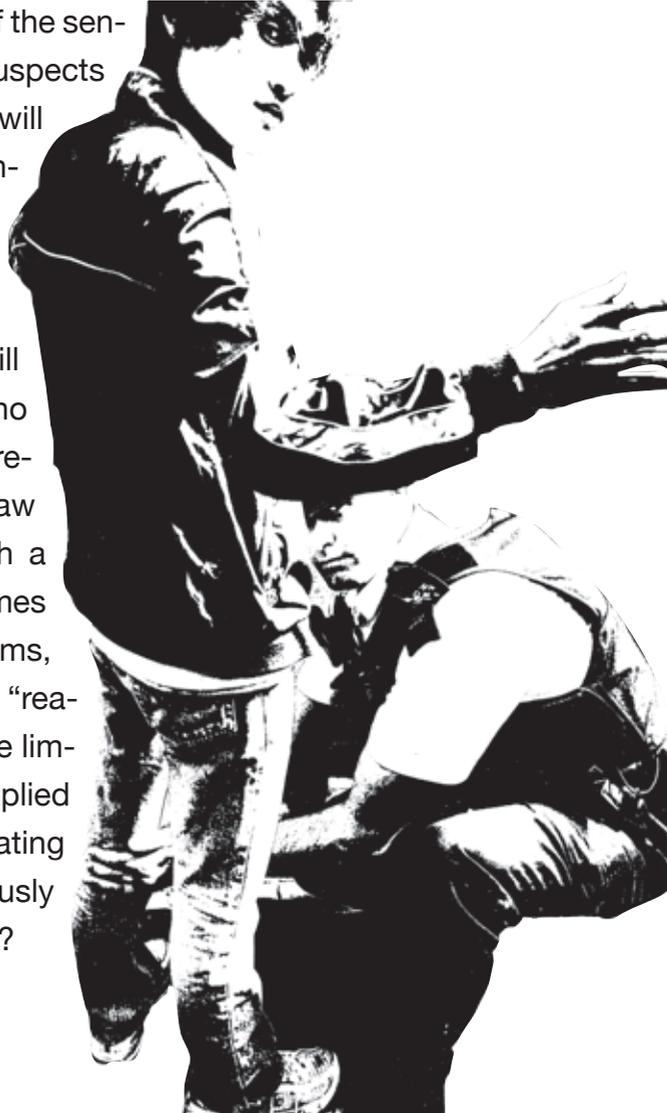


Image: Jess Hurd

Where Next?

The Home Office Rapid Review of counter-terrorism powers has not scrapped Section 44 after the European Court ruling, it has merely rebranded it. The NUJ and other organisations submitted a response to the review and held a meeting hosted by NUJ MP's in Parliament.

The coalition government has introduced a section similar in all but name. Section 47A allows a senior police officer to authorise a time and geographically limited power for officers to stop and search individuals without suspicion if the senior officer “reasonably suspects that an act of terrorism will take place.” This is marginally different from Section 44 in that there must now be ‘reasonable suspicion’ that an act of terrorism will take place. Previously no reasonable grounds were required. Despite the new law coming accompanied with a code of conduct it still comes down to same old problems, who will determine what is “reasonable”? And will the time limited authorisation be reapplied every time it expires, creating a blanket law, as previously happened with Section 44?



What is quite apparent in the application of the law is that stop-and-search is still being deployed as a preventative measure against terrorism. This is despite the fact that from 101,248 stop and searches in 2009-10 none led to arrests for terrorist offences. Lord Carlile, the government's independent review of terrorism legislation, has stated that stop-and-search without suspicion was unjustifiable and had produced nil results in terrorism terms.

As photographers working in public places, we are still treated with a suspicion that is undeserved and not experienced by most citizens going about their daily business.

The unjust laws need to be challenged, as do the private security guards who routinely prevent us from working. We must continue to defend the right to document the world around us.

