



# Respect or Repression?

An independent report on Operation Urram (Respect), the policing of the COP26 Climate Conference in Scotland



Defending  
The Right to  
Freedom of  
Assembly



The Network for  
Police Monitoring

**A report by the Network for Police Monitoring (Netpol) and the Article 11 Trust based on testimony from protesters, legal observers and local residents about the policing of the United Nations COP26 Climate Conference held in Glasgow from 1-12 November 2021**

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# Executive Summary

In the run up to COP26 Police Scotland described themselves as a “rights-based organisation”<sup>1</sup> asserting that Operation ‘Urram’ (Gaelic for respect) would be “friendly fair and accommodating”,<sup>2</sup> and would not only respect human rights but “facilitate... peaceful protest”.<sup>3</sup> Subsequently, Police Scotland have celebrated the operation as a “success”<sup>4</sup>, citing low arrests and a lack of violent disorder as evidence of “proportionate”<sup>5</sup> policing that has “enhanced” Police Scotland’s reputation.<sup>6</sup>

Netpol and The Article 11 Trust have worked, in the weeks following COP26, to compile detailed witness statements from over 100 locals and protesters alongside contemporaneous notes and statements from 16 Legal Observers. We aim to provide an accurate and independent account of the policing of COP26 measured against international human rights guidance and law.

## Kettling

- Following COP26, Gold Commander ACC Bernard Higgins claimed that people in two ‘containments’ were not being held “against their will”.<sup>7</sup> Unanimous witness statements refute this. People were refused exit for many hours without access to food, water, appropriate clothing, medication and toilets in adverse weather conditions, instead being forced to urinate in the street. A five hour kettle was described as a “short period”.<sup>8</sup>
- Police Scotland also asserted that Police Liaison Officers (PLOs) found there to be “no vulnerability” in kettles.<sup>9</sup> However, witness statements detailed infants, adolescents, elderly people and those with serious health conditions and disabilities being kettled. No PLOs were deployed to the kettle on the 6<sup>th</sup> of November for nearly an hour despite repeated requests. It is unclear, therefore, how PLOs were able to accurately assess vulnerability in absentia.
- An open letter to Nicola Sturgeon on 4<sup>th</sup> November from three major climate coalitions expressed “deep concerns” with “heavy-handed and highly disproportionate” policing.<sup>10</sup> Chief Inspector Kath McNally, acting as the public order Bronze Commander, dismissed public concerns about kettling at COP26 as “a bit of a storm in a teacup”.<sup>11</sup> However, both major containments involved significant use of force and overwhelming reports of violence: witnesses reported officers, including PLOs, punching and shoving protesters and members of the public alike. One woman was grabbed by the throat and thrown backwards and a 16 year old collapsed due to the kettling

<sup>1</sup>Police Scotland, June 2021. [Police Scotland reveals plans for one of the UK’s biggest policing operations to support COP26](#)

<sup>2</sup> 31/10/21 Police Scotland [Police Scotland ready to deliver one of Britain’s biggest policing operations during COP26 climate conference](#)

<sup>3</sup> 24/06/2021 Express and Star [How will the Cop26 climate conference be policed?](#)

<sup>4</sup> 24/11/21 Scottish Police Authority Meeting <https://livestream.com/spa/authoritynov2021>

<sup>5</sup> 24/11/21 Scottish Police Authority Meeting <https://livestream.com/spa/authoritynov2021>

<sup>6</sup>8/12/21 1919 Magazine. [COP26: Reflections from the frontline](#)

<sup>7</sup>24/11/21 Scottish Police Authority Meeting <https://livestream.com/spa/authoritynov2021>

<sup>8</sup>03/11/2021 Police Scotland [COP26 - update on the policing of protests in Glasgow](#)

<sup>9</sup>24/11/21 Scottish Police Authority Meeting <https://livestream.com/spa/authoritynov2021>

<sup>10</sup> COP26 Coalition <https://cop26coalition.org/open-letter-to-nicola-sturgeon-on-policing-at-cop26-2/>

<sup>11</sup>8/12/21 1919 Magazine. [COP26: Reflections from the frontline](#)

crush, her complaints that she couldn't breathe ignored. People, including elderly protesters, were thrown on the ground and one young woman described being "groped" by an officer.

## Stop and Search

- Throughout the conference, stop and search powers were used in a seemingly arbitrary way and, it appears, as an intelligence gathering tool. Officers not only failed to inform people of their rights during a search<sup>12</sup> but unlawfully demanded personal details in nearly every search reported to us and regularly failed to provide a receipt. Despite guidance that "use of force should be the minimum amount necessary",<sup>13</sup> many people were subject to unnecessary physical restraint, grabbing, or pushing by police.
- Nearly four years after an Independent Advisory Group on stop and search highlighted "confusion and ambiguity"<sup>14</sup> around the use of Section 20<sup>15</sup> as a search power and called for clarification, its use skyrocketed at COP26 as a blanket justification for stop and search, arrests, and kettling.
- Section 20 outlines the general duties of a constable, and accounted for 0.31% of stop and searches in 12 months preceding 31 March 2021, predominantly on the grounds of "protecting life".<sup>16</sup> Yet it was used to justify a third of searches reported to us during COP26. This included targeting protestors for wearing protest insignia, and attempting to confiscate a wheelbarrow full of food and drink. There is the need for an urgent review of this legislation, and clarification on what it can lawfully be used to justify.

## Misuse of police powers and poor briefing of officers

- In a number of incidents, mutual aid officers - from forces across England and Wales- demonstrated a poor understanding of their powers under Scots Law. This included misusing or misquoting police powers, and mutual aid officers telling protesters they "don't know" the justifications or powers for particular operational decisions and are "just following orders".
- Legal Observers described operations as "really confused",<sup>17</sup> and Police Scotland provided a series of conflicting and contradictory justifications during and after kettles. Section 20 was the first legislation quoted in the internal training document for mutual aid officers: "Urram A5 Pocket Guide", which likely explains the widespread and potential misuse of this power.

## Discriminatory policing

- A number of incidents of discriminatory policing were reported by Legal Observers and protesters. On the 6<sup>th</sup> of November, ten "aggressive, intimidating and argumentative" police held back a

<sup>12</sup><https://www.scotland.police.uk/spa-media/3w5brwvi/stop-and-search-sop-1.pdf> p.7.

<sup>13</sup>22/06/21 Scottish Police Authority [Stop and Search National Guidance](#) p.15

<sup>14</sup>AGSS. 2018. Code of practice for stop and search in Scotland: six-month review.

<https://www.gov.scot/publications/six-month-review-code-practice-stop-search-scotland/pages/1/>

<sup>15</sup> Police and Fire Reform Act (Scotland) 2012 <https://www.legislation.gov.uk/asp/2012/8/section/20>

<sup>16</sup> <https://www.scotland.police.uk/about-us/police-scotland/stop-and-search/data-publication/>

<sup>17</sup> Legal Observer C.

group of Sudanese protesters in a concerning incident of “racial profiling”.<sup>18</sup> On the 8<sup>th</sup>, a Nigerian COP26 Conference delegate was followed by undercover officers who threatened him with deportation for wearing the Extinction Rebellion logo on his T-Shirt.

- Other Legal Observers noted excessive surveillance of people appearing to be Muslim, despite their obvious discomfort, and the disproportionate targeting for surveillance of one woman of colour speaking at an event on the 11<sup>th</sup> November.

## Surveillance and Harassment

- Protesters and Legal Observers were followed “very closely” across Glasgow, harassed for personal details and intrusively filmed by evidence gathering teams (EGTs). On 6<sup>th</sup> November, police unlawfully attempted to force kettled protesters to provide personal details and remove their masks, contrary to government COVID-19 guidelines,<sup>19</sup> in exchange for their freedom.

## Treatment of Legal Observers

- Legal Observers (LOs) were frequently actively prohibited from carrying out their duties by hostile officers. This included lone female LOs cornered by multiple male officers, or being intimidated by officers who backed off when LOs were joined by others.<sup>20</sup> On several occasions, officers obstructed the sight or hearing of LOs or threatened them with arrest to prevent them observing incidents.

## Aggressive policing

- Throughout COP26 protesters and members of the public described police, including PLOs, as “hostile” and “aggressive”. This included violent resistance to being filmed or having their badge numbers recorded. Police officers often failed to display or concealed their badge numbers.
- Officers displayed disregard for safety of protesters during lock ons and particularly forceful arrests, ignoring screams of pain and preventing others from providing welfare to locked-on protestors or arrestees as young as 17. Following a lock on action during which police forcefully removed protesters by dragging them while they were chained by the neck, Police Scotland again publicly claimed to have “facilitated a peaceful protest”.<sup>21</sup>
- On 8<sup>th</sup> November, police undertook a raid on the Baile Hoose occupation. Police Scotland then categorically denied this had happened, claiming they were carrying out a welfare check.<sup>22</sup> Subsequently, media received footage of police attempting to force entry.<sup>23</sup>

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<sup>18</sup> Legal Observer B.

<sup>19</sup> <https://www.gov.scot/publications/coronavirus-covid-19-public-use-of-face-coverings/pages/where-face-coverings-should-be-worn/>

<sup>20</sup> Legal Observer J.

<sup>21</sup> 8/11/21 The Herald [COP26: Scientist Rebellion protest at Glasgow King George V Bridge](#)

<sup>22</sup> 8/11/21 The Guardian [Police criticised over raid on Glasgow squat housing Cop26 activists](#)

<sup>23</sup> 26/11/21 Morning Star [Cops involved in raid on Baile Hoose Occupation should face disciplinary action, campaigners say](#)

## Conclusion

The absence of a high volume of arrests or widespread violence does not constitute a successful 'human rights based' policing operation, where, in the absence of exceptional circumstances, that operation also hinders or discourages people from exercising their human rights to freedom of assembly and association,<sup>24</sup> and expression, including the right to "freely receive and impart information"<sup>25</sup>.

We conclude therefore, that Police Scotland not only failed to protect human rights during their policing of COP26, but in many cases actively, against UN and the Venice Commission Guidelines, hindered and in some cases, violated human rights. It is not enough to adopt the language of human-rights without tools to practically implement this approach, we urgently recommend, again, that Police Scotland adopts Netpol's Charter for Freedom of Assembly Rights for future operations.

**Netpol and The Article 11 Trust call for an urgent independent enquiry into Operation 'Urram', Police Scotland's false and misleading public statements, and an immediate review of the use of "Section 20" in relation to protest policing as a 'blanket' stop and search, arrest, and containment power.**

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<sup>24</sup> Article 11 Human Rights Act 1998 <https://www.legislation.gov.uk/ukpga/1998/42/contents>

<sup>25</sup> Article 10 Human Rights Act 1998 <https://www.legislation.gov.uk/ukpga/1998/42/contents>



# Introduction

## About Netpol and the Article 11 Trust

The Network for Police Monitoring (Netpol) is one of the only organisations working alongside front-line campaigning groups and movements to protect their freedom to protest. We bring together many of Britain's most experienced activists, lawyers and researchers to push against these attacks on our human rights to freedom of assembly and freedom of expression. Since 2009, we have provided expert legal rights information and guidance, helping groups to understand changing legislation and police tactics so they are better prepared. We also enable lawyers to identify emerging patterns in public order policing. We have worked closely in particular with anti-fracking campaigners since 2014 to demand greater transparency and accountability from local forces about the way protests are policed.

The Article 11 Trust was established in 2020 by members of long-standing protest rights groups, and is a UK-based charitable organisation working to defend and advance the rights to freedom of assembly and association under Article 11 of the European Convention on Human Rights (ECHR). Together with our partners and allies in the movement, The Article 11 Trust works to drive forward priority research and education projects, support grassroots groups to secure much-needed charitable funding, and raise public awareness around protest rights issues.

Netpol and the Article 11 Trust have previously collaborated on a report into the policing of Black Lives Matter protests in 2020<sup>26</sup> and together these two reports form part of an ongoing body of work highlighting the current state of protest policing in the UK. This report was made possible by the generous funding of the Barry Amiel and Norman Melburn Trust.<sup>27</sup>

## Aim of the report

Since 1995, the United Nations has held annual climate summits, called 'COP's- which stands for 'Conference of the Parties'- bringing together almost every country on earth. In subsequent decades, "climate change has gone from being a fringe issue to a global priority."<sup>28</sup> COP26 was slated to be the most significant COP since the 2015 Paris Agreement was signed, when global world leaders entered a unanimous agreement to keep global mean temperature rises below 2 °C.

Due to be held in Glasgow in 2020, COP26 was postponed by a year to between 31st October and 12th November 2021 due to the COVID-19 pandemic.<sup>29</sup> The United Nations placed people "making their voice heard" as a key objective of the event, expecting and encouraging demonstrations and protests.<sup>30</sup> In this vein, Police Scotland claimed to undertake a 'human rights-based' approach to the policing of COP26 with Operation 'Urram', the Gaelic word for respect.<sup>31</sup>

<sup>26</sup> <https://netpol.org/black-lives-matter/>

<sup>27</sup> <https://amielandmelburn.org.uk/>

<sup>28</sup> <https://ukcop26.org/uk-presidency/what-is-a-cop/>

<sup>29</sup> United Nations, 2020. <https://unfccc.int/news/cop26-postponed>

<sup>30</sup> Police Scotland 29/10/21 [Chief Constable contributes to Scottish Government briefing ahead of COP26](#)

<sup>31</sup> BBC 13/09/21 [COP26: Armed police prepare for biggest deployment](#)

This report aims to analyse the policing of COP26 against this claim, compiling testimony from over a hundred locals and demonstrators, alongside detailed contemporaneous notes from 16 Legal Observers. These notes, in combination with input and expertise from grassroots campaign and legal support groups, provide an accurate and independent account of the policing of protests and demonstrations at COP26. Our findings stand in sharp contrast to the “friendly, fair and accommodating”<sup>32</sup> human rights-based approach that Police Scotland claim to have successfully achieved.

## Methodology

During COP26, Netpol received over **120 detailed witness statements** from protesters, locals and Legal Observers. These were received in audio or written form through a secure email address created for this purpose. Due to a high volume of statements, they are not numbered and will not be included in an appendix. However, quotations will be attributed appropriately, whether to protester, Glasgow resident or Legal Observer. Legal Observers that have provided source material have been randomly assigned letters to preserve anonymity. A number of reports contained police badge numbers and names, which have been redacted to mitigate against the risk of misidentification.

Freedom of Information requests have been made to Police Scotland regarding charges and powers used for arrests and stop and search data. However, because this report has been prepared in less than a month since the end of the conference, detailed information on outcomes of arrests made during COP26 is not yet available.

We will be undertaking further analysis and will release anonymised data in due course once additional data becomes available from Police Scotland. The primary consideration for this report has been to share people’s stories as soon as possible after the event.

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<sup>32</sup> Police Scotland, 31/10/21 [Police Scotland ready to deliver one of Britain’s biggest policing operations during COP26 climate conference](#)

# BACKGROUND

## The long shadow of 2005

The policing of the G8 summit at the Gleneagles Hotel in Auchterarder in July 2005 casts a long shadow over the policing of protests in Scotland. In advance of the summit, police confirmed plans to deploy 10,000 officers every day.<sup>33</sup> Around 250,000 people joined Scottish protesters and there were a variety of protests other than the main Make Poverty History march in Edinburgh, where around 300 people taking part in an anti-capitalist bloc were nevertheless kettled for around three hours.

On the Monday after the march, a protest billed as the 'Carnival for Full Enjoyment' in Edinburgh<sup>34</sup> faced an enormous police presence. Stuart Hodgkinson, writing for the magazine *Red Pepper*, described "thousands of police shutting down the city" and then "physically turning on protesters, resulting in over 30 similar injuries when people were forced to jump over spiked railings at West Princes Street Gardens after being baton-charged by riot police".<sup>35</sup> There were also widespread allegations of the misuse of blanket Section 60 stop and search powers, primarily seen as a means of gathering intelligence.<sup>36</sup> At a protest outside Dungavel Detention Centre, it was reported that "many people were searched on the way to the demonstration, coaches were stopped, and in some cases boarded",<sup>37</sup> with one Scottish parliamentarian arrested for refusing to allow police to search her handbag.<sup>38</sup> At a convergence centre and campsite for activists in Stirling,<sup>39</sup> it was reported that the police were searching everyone who came and went.<sup>40</sup>

There was also a considerable reliance on Forward Intelligence Teams (FIT) from London to direct arrests.<sup>41</sup> One campaign group, known as the Wombles, became a target of constant police harassment, with *Red Pepper* reporting that its members were stopped from having a drink in a Glasgow pub and one officer was overheard warning a known Womble activist that "we [the police] are going to get you lot this time".<sup>42</sup>

The aftermath of the summit was dominated by the shock of the London bombings on 7 July. Despite a large number of arrests, Fife Police's Chief Constable praised the policing operation, saying that it had delivered what we sought – a safe and secure summit, an opportunity for legitimate protest and a capability to deal with any difficulties that emerged" and adding, "we demonstrated that in Scotland there

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<sup>33</sup> BBC News, 28/06/05 ['We're ready for G8' police say](#)

<sup>34</sup> <https://www.nadir.org/nadir/initiativ/agp/resistg8/carnival.htm>

<sup>35</sup> Stuart Hodgkinson, *Red Pepper*, July 2005 [Carnival of Full Policing](#)

<sup>36</sup> Indymedia UK, 05/07/05 [Section 60 searches or just ID checks?](#)

<sup>37</sup> Indymedia UK, 05/07/05 [The road to Auchtarader](#)

<sup>38</sup> *Red Pepper*, 05/07/05 [Don't fence me in](#)

<sup>39</sup> BBC News, 05/07/05 [Eco-village 'is model for us all'](#)

<sup>40</sup> Kirsty Scott, *The Guardian* 08/07/05, [Riot police hem in protesters' camp](#)

<sup>41</sup> Indymedia UK, 31/7/05 [Where are the London cops?](#)

<sup>42</sup> *Red Pepper*, 08/07/05 [Police make good on their promise to 'get the Wombles'](#)

is a police force to be proud of".<sup>43</sup> In contrast, the G8 Legal Support Team issued a statement setting out numerous concerns and condemning the policing of the summit<sup>44</sup>:

*The cumulative effect of these police measures was an unprecedented erosion of civil and human rights and a further attack on the right of people to publicly demonstrate. The police appeared to police the protests against the G8 on the basis that they were not at all times bound to comply with the law of the land, and sought to prevent challenge to their actions by seeking to conceal their identity by covering up ID and failing (even when asked specifically) to give legitimate reasons and legal powers to justify their actions.*

We now know that 18 undercover officers were deployed to infiltrate and disrupt campaigners who were protesting at a summit.<sup>45</sup> According to a report by HM Inspectorate of Constabulary in Scotland in November 2017, they included six from the National Public Order Intelligence Unit and six from the Metropolitan Police's Special Demonstration Squad<sup>46</sup> with a further five sent from German police units.<sup>47</sup>

## The Cornwall G7 dress rehearsal

The G7 summit, which took place in Cornwall over the weekend of 11 - 13 June 2021, was in some ways a dress rehearsal for the policing of the COP26 protests. The summit was the focus of an intense police operation with 6,500 officers deployed to lock down the summit, and Devon and Cornwall police engaged in a keen PR offensive, similar to Police Scotland's COP26 strategy, prior to the summit. Claiming that they would "facilitate peaceful protest", several 'designed protest zones' were created to try and contain the protests – some as much as 100 miles away from the summit – while exclusion zones locked down the summit locations.

A number of protest groups and individuals were placed under surveillance and received visits by police before the summit, and once it began, a heavy police presence marked all of the public actions. The majority of the summit passed without incident, until on the final day police raided an Animal Rebellion campsite, seized property, and arrested 29 people. The raid came at a time when most of the group were off-site protesting at a local McDonalds, and so largely targeted those who had stayed behind to care for children or had chosen not to protest.

After the summit, a further storm of PR announced the success of the policing operation, with accompanying press photos showing police officers enjoying ice lollies in the sun. The G7 set the scene for the COP26 protests in a number of ways, including the 'saturation and suffocation' approach of swarming protest sites with vast numbers of police officers, the complete lock down of conference buildings, and an 'intelligence led' approach which resulted in the heavy-handed targeting of groups with a reputation for direct action (regardless of their actual actions on-site).

<sup>43</sup> BBC News, 09/07/05 [G8 summit police made 350 arrests](#)

<sup>44</sup> [Initial Statement on the Policing of the Protests against the G8 in Scotland in July 2005, G8 Legal Support Team](#), 13/07/05, obtained from the Internet Archive.

<sup>45</sup> Rob Evans, The Guardian, 07/02/18 [Police spies infiltrated G8 summit protesters in Scotland in 2005](#)

<sup>46</sup> November 2017 [Strategic Review of Undercover Policing in Scotland, HM Inspectorate of Constabulary in Scotland](#), Para 176.

<sup>47</sup> Helen Pidd, The Guardian, 20/02/11 [Germany sent five undercover police officers to G8 protests](#)

## Police Scotland's preparations and promises for COP26

In preparation for COP26, Police Scotland consistently asserted that it is "a rights-based organisation and has a duty under the European Convention on Human Rights (ECHR) to protect the rights of people who wish to peacefully protest".<sup>48</sup> Assistant Chief Constable (ACC) Bernard Higgins, Gold Commander for policing operations at COP26, explained that 'Operation Urram' would involve respecting these rights and was intended to "facilitate that peaceful protest".<sup>49</sup>

*"Our response will be informed by, and consistent with, key human rights and considerations – necessity, proportionality and lawfulness... We will protect the rights of people who wish to peacefully protest at COP26, balanced against the rights of the wider community."*<sup>50</sup>

In June 2021, Police Scotland revealed their plans for one of the "UK's biggest policing operations",<sup>51</sup> drawing in a vast network of 'mutual aid' officers from every force in the country, including many from across England and Wales. This included deployment of specialist resources such as "firearms officers, dog handlers, mounted branch, search teams and the marine unit".<sup>52</sup> Police Scotland explained their plans "to engage with known protest groups to ensure their rights to peaceful assembly and protest are met".<sup>53</sup>

Senior figures in Police Scotland outlined their intended approach as "welcoming, friendly and proportionate".<sup>54</sup> Will Kerr, the Deputy Chief Constable (DCC) for local policing, stated that Police Scotland "puts our values of integrity, fairness, respect and a commitment to upholding human rights at the heart of everything we do".<sup>55</sup> On the other hand, ACC Higgins cautioned against "anarchists who, regardless of the nature of the conference, were there to engage in acts of severe violence and significant disorder",<sup>56</sup> with DCC Kerr reminding "the small minority of people who may be intent on violent disorder or causing damage that we will deal with them swiftly and robustly".<sup>57</sup>

By August, Police Scotland's public narrative shifted, inviting press to their riot training at Craigiehall barracks to demonstrate how they planned to tackle protesters.<sup>58</sup> Police Scotland also invited politicians and campaigners to take part in the day, one of whom described how role-playing as riot police had been "quite intimidating".<sup>59</sup> Hundreds of officers, including mounted officers, used riot shields to defend against attackers with baseball bats and objects thrown at police from a mock protest group dubbed "Destruction Uprising".

<sup>48</sup> Police Scotland, June 2021. [Police Scotland reveals plans for one of the UK's biggest policing operations to support COP26](#)

<sup>49</sup> Express and Star 24/06/2021 [How will the Cop26 climate conference be policed?](#)

<sup>50</sup> Police Scotland 29/10/2021 [Chief Constable contributes to Scottish Government briefing ahead of COP26](#)

<sup>51</sup> Police Scotland, June 2021. [Police Scotland reveals plans for one of the UK's biggest policing operations](#)

<sup>52</sup> Ibid.

<sup>53</sup> Ibid.

<sup>54</sup> The Guardian 24/06/21 [Treatment of Cop26 protests will be 'friendly', says Police Scotland](#)

<sup>55</sup> The Guardian 30/08/21 [Police at Cop26 climate summit in Glasgow to get public order training](#)

<sup>56</sup> The Guardian 24/06/21 [Treatment of Cop26 protests will be 'friendly', says Police Scotland](#)

<sup>57</sup> The Guardian 30/08/21 [Police at Cop26 climate summit in Glasgow to get public order training](#)

<sup>58</sup> Scottish Sun 31/8/21 [PROTEST PROS Scots cops show how they'll kettle protesters in riot training exercise ahead of COP26 in Glasgow](#)

<sup>59</sup> BBC 31/08/21 [COP26: Riot training for thousands of police ahead of summit](#)

There was also an emphasis on mutual aid officers being expected to comply with Police Scotland's 'human rights-based' approach. DCC Kerr explained that mutual aid officers "will be under the command and control of Police Scotland's chief constable and will receive detailed briefings on the style and tone of policing ahead of being deployed"<sup>60</sup>, while those who did not comply with local "standards of professional practise"<sup>61</sup> would be sent home. Police prepared additional holding capacity, planning for "up to 300 additional arrests a day".<sup>62</sup>



Source: Police Scotland

On 4<sup>th</sup> October, Police Scotland launched a six-week advertising campaign to highlight the work of 'Project Servator' during COP26. Project Servator is a "policing tactic that aims to reassure the public. It targets criminal activity, including terrorism."<sup>63</sup> Gathering intelligence is a key part of this operation and "highly-visible ... deployments will form an important part of this operation and involve a wide range of specialist police assets such as police dogs and horses whilst taking advantage of a range of technology including CCTV cameras and automatic number plate recognition (ANPR)."<sup>64</sup> When questioned on whether Police Scotland could rule out the use of undercover officers, he vaguely responded that "in the very unlikely circumstances that we would deploy them, the accountability regime in the use of those tactics is incredibly and rightly onerous."<sup>65</sup>

<sup>60</sup> Police Professional 15/10/21 [Police Scotland 'ready' to deliver one of Britain's biggest policing operations during COP26](#)

<sup>61</sup> Scottish Sun 9/09/21 ['OUR WAY' Scots police chief says UK cops helping at COP26 will be sent home if they use heavy handed tactics](#)

<sup>62</sup> Glasgow Guardian 31/10/21 [Police expect up to 300 additional arrests a day during COP26](#)

<sup>63</sup> <https://www.scotland.police.uk/advice-and-information/counter-terrorism/project-servator/>

<sup>64</sup> <https://www.getreadyglasgow.com/cop26/safety-and-security>

<sup>65</sup> BBC 31/08/21 [COP26: Riot training for thousands of police ahead of summit](#)



Campaigners and human rights groups expressed concern in the run up to COP26 about an apparent lack of independent scrutiny of Police Scotland's plans for Operation Urram. Amnesty International UK's Scotland programme director, Naomi McAuliffe, said: "to ensure accountability there should be a robust process in place to measure policing against human rights standards."<sup>66</sup> Netpol has provided a framework for human rights-based policing of protest with their Charter For Freedom Of Assembly Rights,<sup>67</sup> which draws on existing international human rights law and guidelines to provide a clear guide for police forces to put into practise.

In particular, the Charter aims to protect and advance Articles 10 and 11 of the European Convention of Human Rights (ECHR) which was incorporated into law in Britain with the Human Rights Act (1998). These are the rights to Freedom of Expression, the "freedom to hold opinions and to receive and impart information and ideas *without interference by public authority* and regardless of frontiers"<sup>68</sup>, and Freedom of Peaceful Assembly and Association. Police have a legal duty not only to protect but to facilitate the exercise of these rights. Netpol's Charter, detailed below, outlines what this legal duty means for policing in practice. It is against the Charter that this report will assess Operation Urram.

## The Charter for Freedom of Assembly Rights

In an online survey conducted in October 2020, Netpol asked 25 organisations ranging from large national groups to small local grassroots campaigns about their attitudes towards the right to freedom of assembly. The results show a clear demand for increased protections for the right to protest, and widespread concern at the lack of safeguards against police surveillance<sup>69</sup>.

The results of the survey have helped to finalise the wording of a new Charter for Freedom of Assembly Rights. It's eleven core statements are:

- ONE:** Public assemblies need not only facilitation, but also protection
- TWO:** Public assemblies need protection based on equality and non-discrimination
- THREE:** Potential disruption is not an automatic excuse for denying protection for assemblies
- FOUR:** The use of civil disobedience and direct action tactics are not an automatic excuse for denying protection for assemblies
- FIVE:** The use of police powers to collectively restrict the right to freedom of assembly is justifiable only in exceptional circumstances
- SIX:** Although public assemblies are collective activities, protesters are individually rather than collectively responsible for their actions
- SEVEN:** Choosing to take part in a public assembly is not an invitation to surveillance and denial of privacy

<sup>66</sup> The Guardian 7/10/21 [COP26 activists fear influx of English officers endangers 'friendly' policing](#)

<sup>67</sup> 2021 Netpol [Charter For Freedom Of Assembly Rights](#)

<sup>68</sup> Human Rights Act 1998. <https://www.legislation.gov.uk/ukpga/1998/42/schedule/1/part/II/chapter/10> Emphasis added.

<sup>69</sup> SURVEY: campaigners want stronger protest protections and less surveillance, Netpol, 23 November 2020, <https://netpol.org/2020/11/23/protest-survey-2020/>

- EIGHT:** Organisers of public assemblies, not the police, must decide their level of communication and dialogue
- NINE:** Independent monitoring of the policing of protests is essential for defending the right to organise and participate in public assemblies
- TEN:** Imposing financial burdens on organisers restricts the right to freedom of assembly
- ELEVEN:** The police have a particular duty to protect the rights of vulnerable or disabled people wishing to exercise their rights to freedom of assembly

**In the absence of any other meaningful guidance available to local forces, over 50 organisations are calling on the National Police Chiefs Council and the College of Policing to adopt these eleven statements by endorsing the Charter for Freedom of Assembly Rights.**

Amnesty Scotland “strongly recommended” consideration of Netpol’s Charter, which was put before the independent advisory group (IAG) on Cop26 policing on the 6<sup>th</sup> October 2021. Police Scotland, however, declined to commit.

On 29<sup>th</sup> October, Police Scotland reiterated their stance on protesters at COP26 being “policed firmly” and robustly.<sup>70</sup> Police Chief Ian Livingstone said that this will sometimes necessitate “physical engagement”, for example, by protest removal teams which “at times, and I have been clear... on this... it may well look quite messy when you look at the visual images that are going to be created.”.<sup>71</sup>

## Organising to provide legal support for demonstrators

The Scottish Community and Activist Legal Project (SCALP) is a grassroots collective of activists from social and environmental justice groups in Scotland who collaborate on community and activist legal support. SCALP attend protests to challenge police abuse of powers, support people in case of arrest, and provide legal information to activists.

In the run up to the COP26 protests, SCALP laid preparations to provide two weeks of continuous legal support to protesters, including training and supporting a team of volunteer Legal Observers to monitor police behaviour, running a 24/7 phone line for people to report protest incidents and get help, arranging police station support for all arrestees, and providing a range of guides on Scots Law for activists.<sup>72</sup> SCALP had over 70 Legal Observers on the streets during COP26.

Netpol and SCALP worked closely together throughout the COP26 protests, and Netpol staff attended daily debriefs with SCALP volunteers on policing incidents and patterns. We also worked with back office volunteers and Legal Observers to source and verify first-hand accounts of police behaviour, and Legal Observers shared their contemporaneous notes with Netpol. Much of the information in this report is drawn together thanks to the dedicated and careful work of SCALP volunteers.

<sup>70</sup> Irvine Times 29/10/21 [Police chief promises ‘robust response’ to protesters seeking to disrupt Cop26](#)

<sup>71</sup> The Scotsman 29/10/21 [COP26: Thousands of officers drafted in to help Police Scotland told to respect ‘bond of trust’ with Scottish public](#)

<sup>72</sup> Scots Law differs considerably from laws in other parts of the UK. Due to precedent set by previous events of similar significance, activists were expected from around the world.



Officers remove an inflatable Loch Ness Monster belonging to campaigners from Jubilee Debt Campaign from Govan dry docks. Photo: Jess Hurd

## ISSUES OF CONCERN

Evidence collected throughout COP26 revealed a number of key themes of concern that are as follows: kettling, discriminatory policing, stop and search, surveillance and harassment, the impact of policing on local residents, treatment of Legal Observers and aggressive policing. Key incidents and testimony is outlined in the following.

### Kettling

#### What is a 'Kettle'?

Kettling is a "common police tactic" described in official police language as 'containment', that, "by its very nature... captures hundreds of innocent protesters in its net."<sup>73</sup> The key feature of a kettle is that people are held within it until the police decide to let them go.<sup>74</sup> It has been described as "one tactic used to stifle

<sup>73</sup> <https://blackprotestlaw.org/under-pressure-everything-you-need-to-know-about-kettling/>

<sup>74</sup> <https://netpol.org/guide-to-kettles/>

dissent”,<sup>7576</sup> which has a ‘chilling effect’ on the human right to freedom of assembly and association<sup>77</sup> by “exhausting... political energies” of public dissent.<sup>78</sup> Kettling has a deterrent effect on protest: as Legal Observer A wrote on 3<sup>rd</sup> November 2021:

*"It was telling that when the kettle started the chants were about climate change and social justice. After 2 hours in the kettle it turned to I want a pee and a cup of tea. [This was a] deliberate tactic to get people to go home."*

There are a number of unlawful actions police undertake regarding kettles: using them as a method to harvest information,<sup>79</sup> treating everyone within the kettle as if they are under arrest, and breaching their duty under the Equality Act 2010 not to discriminate by refusing to provide toilet facilities, or to release a vulnerable person from a containment.<sup>80</sup> In a Scottish Police Authority meeting post-COP26, when questioned on how police ensured vulnerable people were not caught up in kettles, ACC Bernard Higgins stated that:

*"there was always the opportunity for people to leave. You know they didn't actually need to stay there... we weren't holding them against their will, they could leave, but we assessed that within both groups there was no vulnerability."*<sup>81</sup>

This was in direct contrast to the numerous first-hand and eyewitness testimonies Netpol received, which *unanimously* stated that kettled protesters were unable to leave once inside a “containment”, and many reports of vulnerable people and those with serious physical or mental health issues being refused exit. Chief Inspector Kath McNally, public order Bronze Commander, described concerns about kettling at COP26 as “a bit of a storm in a teacup” as there was “nothing else happening”.<sup>82</sup> Both kettles included significant use of force and violence, which is outlined further in the section on aggressive policing.

Police Scotland also asserted that they had only put on two containments throughout COP26, citing this as a measure of success. However, there were a number of quasi-kettles on different occasions. For the ‘Welcome to the Camino’ arrival of the pilgrim’s march on 30<sup>th</sup> October, Legal Observer B noted the procession “being excessively tightly managed, given the peaceful atmosphere”.

*"I noted 5 police officers walking 8-10 feet in front of procession and another 10 police officers in another line ahead of them. This included evidence gathering police (orange caps) walking backwards and filming directly into the crowd. The procession was also flanked on either side, for as far as I could see, (approx 150 ft) by 2 lines of police approx 3-4 feet apart with a lot of emphasis on trying to keep the lines tight and to contain people within the police lines."*

<sup>75</sup> Neal, A., Opitz, S. and Zebrowski, C., 2019. Capturing protest in urban environments: The ‘police kettle’ as a territorial strategy. *Environment and planning d: society and space*, 37(6), pp.1045-1063.

<sup>76</sup> Neal, A., Opitz, S. and Zebrowski, C., 2019. Capturing protest in urban environments: The ‘police kettle’ as a territorial strategy. *Environment and planning d: society and space*, 37(6), pp.1045-1063.

<sup>77</sup> Article 11, Human Rights Act 1998. <https://www.legislation.gov.uk/ukpga/1998/42/schedule/1/part/II/chapter/10>

<sup>78</sup> Neal, A., Opitz, S. and Zebrowski, C., 2019. Capturing protest in urban environments: The ‘police kettle’ as a territorial strategy. *Environment and planning d: society and space*, 37(6), pp.1045-1063.

<sup>79</sup> <https://netpol.org/2013/06/18/police-powers-finally-kettled-by-high-court/>

<sup>80</sup> <https://blackprotestlaw.org/under-pressure-everything-you-need-to-know-about-kettling/>

<sup>81</sup> Scottish Police Authority Meeting 24/11/21 <https://livestream.com/spa/authoritynov2021> Emphasis added.

<sup>82</sup> 1919 Magazine 8/12/21 [Cop26: Reflections from the frontline](#)

A member of the public reported a tight police cordon which she described as a 'kettle' on 1<sup>st</sup> November at the lock-on action for the Billionaires Dinner.<sup>83</sup> On 9<sup>th</sup> November, Legal Observer D noted:

*"When the people started to walk, they were cordoned for the duration of their walk and on at least one occasion, one person was unable to leave the cordon under section 20 with no further clarifications."*

Legal Observer C also reported that at 16:31 the same day, police instated a cordon citing Section 20 "as the reason for the cordon around the XR samba band because there would be a danger to life if they were allowed to move." The atmosphere became tense as "police begin pushing their line forwards west, downhill along St Vincent Street", and at 16.58 "[the] police line at west end of the circular police cordon is reinforced."

## The kettling of the Extinction Rebellion Greenwash protest

On Wednesday 3<sup>rd</sup> November 2021, hundreds of protesters were 'kettled' by police for several hours outside the Royal Bank of Scotland on Vincent Street in central Glasgow. The most frequent explanation from officers was that the kettling was in response to an XR action protesting 'greenwashing' involving a two person lock-on and green chalk spray, which is temporary, non-toxic, and washes away with rain. At 13:55 witnesses reported "a scuffle involving many police officers outside the SSE entrance on Waterloo Street close to the junction with Hope Street."<sup>84</sup> SSE PLC is a multinational energy company accused of multiple environmental abuses, formerly known as Scottish Southern Energy.<sup>85</sup>

A protester reported to Legal Observer (LO) C seeing a man "head locked between an officer's thighs with other officers sat on his back while he was being handcuffed", and LO C noted "a minor cut on his nose, bleeding". XR police liaison volunteers weren't allowed to offer any welfare support to the arrestee or the two locked on protesters. LO C also noted that a "Black female protester was filming this incident and got grabbed [by police] and pushed to the floor which smashed her phone and gave her a graze on the leg by an officer." One witness stated that "police action was disproportionate and alarming to everyone around."

Police Scotland subsequently expressed "extreme disappointment", claiming "that officers were assaulted by having paint sprayed in their faces... those who commit violence against police officers will be dealt with swiftly and robustly".<sup>86</sup>

Netpol and the Article 11 Trust subsequently received a "video clearly showing [an] activist spraying between police officers, not at them" from a bystander. One kettled protester expressed frustration at the framing of this incident as violence and use as grounds for kettling hundreds of people for hours: "This was the assault - not on the officer, but on the building. It's totally outrageous that they can create such excuses. I was there all day and did not see a single bit of violence [from protesters against police]".

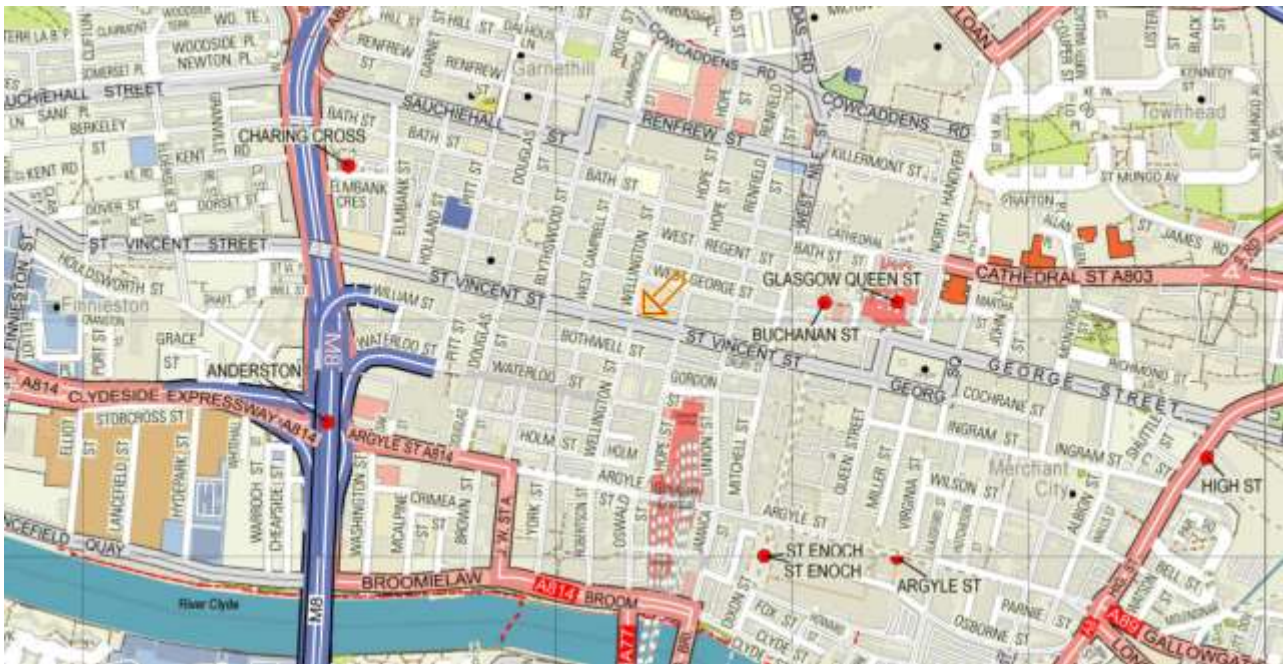
<sup>83</sup> Morning Star 2/11/21 [Arrests after protesters block billionaires from attending swanky dinner in Glasgow](#)

<sup>84</sup> ITV News 3/11/21 <https://mobile.twitter.com/peteradamsmith/status/1455942581154717699>

<sup>85</sup> Daily Record 26/9/21 [Pollution scandal firms sponsor COP26 conference in Glasgow as activists slam UK Government](#)

<sup>86</sup> Police Scotland 03/11/2021 [COP26 - update on the policing of protests in Glasgow](#)





MAP: location of the kettle on 3 November 2021

At 15:18 a sergeant is overheard telling a local resident: “we’ve got issues with protesters’... When asked about [the] peaceful nature of the protesters [he] responds that they’ve had ‘lots of problems previously’”.

When asked for a reason and justification for this ‘containment’, police gave a variety of answers. First, many officers stated that they did not know, or refused to answer. As one Legal Observer told us:

*“I had been talking to many officers through my time there saying, where is the imminent threat, you cannot kettle without such a cause, answers ranged from I’m not paid enough to answer that, I’m just following orders.”*

Second, testimony from protesters and Legal Observers indicates that at different times police cited a number of vague and contradictory powers and legislation as the justification for containment. These included Section 12 of the Criminal Justice Act (at 15:47), Section 12 of the Public Order Act, Section 13 and then Section 20 of Police Fire and Reform Act 2012 (at 18:37 and 18:59 respectively).

*“I was told that I was not being kettled but I couldn’t leave because of a section 20 ‘because crimes had been committed’, but the police officer I spoke to would not specify what crimes or by whom.”*

Third, there were claims made by officers that the march was “illegal” because it had not been following the correct route according to Section 12 of the Criminal Justice Act<sup>87</sup>. Many officers and sergeants also claimed that arrests outside of the SSE offices were the reason for containment. At 14:55 testimony from Legal Observer P indicates that an inspector “shouts to [the] crowd that they are being held due to “unlawful disorder” and that police have had “things thrown at them and sprayed in their faces””.

<sup>87</sup> See *Poor briefing of mutual aid officers*, pg 33



Timeline	
11:40-12:00	Around 200 XR protesters meet outside Buchanan Galleries "carrying props, flags, and banners protesting against false climate solutions" <a href="#">Glasgow Guardian</a>
13:09	Police line formed across Renfield street, causing frustration amongst many local shoppers and bystanders trying to get past.
13:33	Police move quickly and aggressively to block and redirect march. Police vehicle drives through crowd at speed.
13:55	Protester at SSE, across town, is arrested for assault. Three arrests for trespassing/disruption.
14:24	Police begin to cordon off the route of the march, forcing it in a different direction.
14:25	March is allowed to proceed with a heavy police presence, original path of the march is disrupted as marchers attempt to avoid routes blocked by police.
14:25- 14:50	Cordons repeated on St Vincent's St, then Wellington St, then Bothwell St, then Renfield St.
14:30	March blocked from proceeding.
14:40-14:51	Kettle instated.
15:40	Samba band member checks what crowd wants to do. Collectively decide to proceed to COP26. Police will only allow the most direct route to be taken.
14:50-16:06	Protesters "peaceful, quiet, no chanting and most sitting on the ground".
16:31	Protesters prop heat blanket and banners over a storm drain for people to use as a toilet.
16:55	Three police vans block the other side of the junction between St Vincent St and Renfield St.
16:58-17:15	Crowd begins to progress towards COP26 in a 'moving Kettle'.
17:01	Order to halt, but crowd's momentum pushes some protesters into officers. Police "reacted very quickly and threw punches at people."
17:11	Police line advances over a woman thrown to the ground by police. She is not part of the protests and is immobilised by a panic attack after being "manhandled" by police.
17:37	Agitated man who appears to be having panic attack is refused exit from kettle.
18:12	Small woman is pushed and shoved by multiple large male police officers outside kettle.
17:51	Moving kettle reaches Broomielaw and turns towards COP
18:30	A woman crouches in front of the police, visibly in tears, and begs to leave kettle as her blood sugar is low and she is dizzy. Police do not respond.
18:18	Kettle narrowed to one lane of traffic, four people wide. "Very close and claustrophobic".
18:33	Legal Observer notices a woman having anxiety attack on floor by the police cordon. She is given support from Legal Observers and crowd. Police do not respond.
19:03	Kettle arrives at COP26.
19:15	A protester desperate to use a toilet is released then immediately stopped and searched under Section 48 Misuse of Drugs Act. Contrary to police guidance, <sup>88</sup> officers demand personal details during the search and fail to provide a receipt.
19:00-19:20	Protesters are released individually or in pairs.

**Mutual Aid Forces:** Metropolitan Police, Bedfordshire Constabulary, Norfolk Constabulary.

Police Scotland described this incident not as a kettle but as 'facilitation', stating that:

<sup>88</sup> Police Scotland. 2019. [Stop and Search Standard Operating Procedure](#) p.7. Emphasis Added.

"We have facilitated a number of protests in Glasgow today and engaged with protest groups as they moved through the city centre. A group was contained for a short period".<sup>89</sup>

Almost five hours into this "short period" of containment, at 18:56 and at 19:03, Legal Observer H noted an officer and a sergeant describing the march as "very peaceful" and "peaceful from my perspective". Subsequently, ACC Bernard Higgins claimed that police had "sensitive information around potential actions implicated that they were going to do [sic]. The safest option for us was to put a containment on and then deploy a Protest Liaison Officer and ask them what they wanted to do." He described the 'stop and start' moving kettle in the following way:

*"that was all about facilitating them, going at their pace and respecting what they wanted to do but at the same time making sure that the intelligence we had on what their potential intentions were wasn't allowed to come to fruition because that would have caused a significant public safety matter."*<sup>90</sup>

This is in opposition to what officers on the ground claimed to justify the containment at the time.

## The treatment of kettled protesters

One of the most immediate concerns with kettling is that those held by the police are unable to access food, water, medication, suitable clothing for weather conditions and toilets. Some of the following examples are clear breaches of the Equality Act 2010, such as police refusing to provide access to toilets for disabled protesters.

At 15:32 a protester requested to leave for an appointment at 16:00 to receive medication for cancer. She was refused on the grounds that it was not "life threatening". Legal Observer N noted at the time that a "comment was made [by police] saying that person didn't look ill". Several protesters with health issues were refused exit to access toilets, with one female protester with a urinary tract infection told by officers: "deal with it – we've been standing here some of us for 14 hours".

A protester who suffers from irritable bowel syndrome described pain "for at least a few hours when I got home, as a result of not being able to access a toilet". One march steward noted "I was particularly surprised that police were not letting through a lone woman who desperately needed to sort out her period. She was beside herself, evidently very humiliated".

At 16:31 protesters resorted to "using heat blankets and banners to make private space for going to toilet in street" within "metres of police lines with multiple male police in close proximity". One female protester described this as "degrading and humiliating". Several reports describe a considerable number of bystanders being caught up in the kettle and not allowed to exit.

*"When they chose to kettle the protest, me and at least 8 others who were not part of the march were kept inside the kettle ... what I seen was completely disproportionate and the kettling... seemed to me as an observer a deliberate attempt to rile protesters. It was much more extreme than any tactics I have seen used by Police Scotland (who are no saints) at similar events in recent years."*

<sup>89</sup> Police Scotland 03/11/2021 [COP26 - update on the policing of protests in Glasgow](#)

<sup>90</sup> Scottish Police Authority Meeting 24/11/21 <https://livestream.com/spa/authoritynov2021>

## The Global Day of Action Kettle

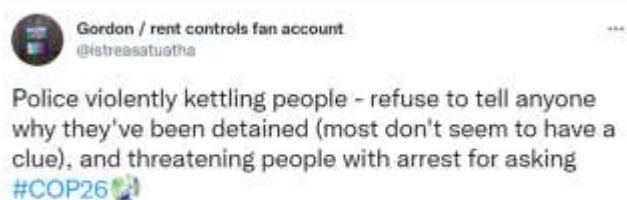
On **Saturday 6<sup>th</sup> November 2021**, tens of thousands of people assembled in Glasgow, with many more mobilising across the world for the Global Day of Action Against Climate Change. Many witnesses noted a heavy police presence from the beginning around one particular group of protesters from the Young Communist League (YCL).



*The section of the Global Day of Action march kettled by police. Photo: YCL*

Legal Observers noted that this 'red bloc' comprised between 50-100 young people with red flags, some as young as fourteen years old. The youth bloc, of which YCL formed a part, was in the middle of the demonstration with an estimated 30,000-40,000 people behind them.

Scotland's Justice Secretary Keith Brown responded to concerns that these protesters had been subject to a 'moving kettle' from the start of the march without cause by claiming that "protesters had sat down in front of the march and were stopping the rest of the march from taking place and presenting a danger to the



3:26 PM · Nov 6, 2021 · Twitter for Android



public.”<sup>91</sup> However, ACC Gary Ritchie offered a contradicting explanation, claiming that “a group of people was contained by officers after their conduct deteriorated, pyrotechnic devices were used and they brought the procession to a halt.”<sup>92</sup>



Source: Get Ready Glasgow 2021

Legal Observer D who was present from the beginning of the procession asserted that they “do not believe this is an accurate description of events. The police cordon halted their bloc repeatedly throughout the short procession, separating them from the rest of the march on multiple occasions.” There is no mention in any of the 25 detailed witness statements received by Netpol from bystanders, Legal Observers and protesters regarding this incident of any pyrotechnic devices.

This also undermines a third justification for the containment offered by the Gold Commander for COP26, ACC Bernard Higgins. Higgins later claimed, in response to significant public controversy, that police “had intelligence that people involved in both groups, both times were intending to carry out actions which would have... presented a safety risk to the other members of the large parade.” He asserted that police “escorted that group to the east end of Glasgow where they dispersed. And again, that was *at their request*.” (Emphasis added)<sup>93</sup>

<sup>91</sup> The National 9/11/21 [COP26 march: Keith Brown defends police response in Glasgow](#)

<sup>92</sup> Police Scotland 6/11/21 [COP26 - Climate marches in Glasgow](#)

<sup>93</sup> Scottish Police Authority Meeting 24/11/21 <https://livestream.com/spa/authoritynov2021>

Timeline	
11:45-12	Marchers gather at the Kelvin way congregation point. Police presence is already heavy, around 8/9 officers on each side of the bloc.
12:10, 12:25	Legal Observer (D) notes a full police cordon around YCL.
12:38-13:00	Main march begins to move towards Argyle Street.
13:30	YCL Bloc begins to move with police forcing the group to stop and start repeatedly every few minutes.
13:40	YCL Stopped again in Sauchiehall Street. Officers forcibly push the crowd, one officer is pulled away from shoving protester by another officer.
14:39	YCL Bloc attempts to turn left off St. Vincent Street into Holland Street (Junction before Pitt Street). Police stop the bloc at the Holland Street junction. Police cordon established around YCL and others. Crowd behind chants 'let them march' and some protesters stand or sit down in solidarity with those kettled.
14:40	Officer states marchers are being cordoned under Section 20. Another officer states it is because "children have been assaulted by people with red flags".
14:47	Bronze Commander overheard saying "get them boxed and up that side street."
15:02- 15:05	Kettle agrees to be removed from the march.
15:17	Kettle begins to be pushed from Vincent Street up the hill on Holland Street.
15:24	Tight kettle is relaxed.
15:27	Police Liaison Officer (PLO) is brought to the kettle, states he has "no idea" what is going on as he has just arrived, and walks away.
15:30	PLO states kettle is because YCL were "deliberately stopping the parade and people were getting crushed."
	Route to east end of Glasgow travels via Elderslie street.
16:25, 16:30	Protesters allowed to disperse via a tight gauntlet of officers and evidence gathering team, who attempt to make protesters remove their masks.
17:00	Group continues to Glasgow Green to meet the rest of the march. Officers wait for the group to disperse and arrest one individual using handcuffs. Forward Intelligence Teams (FITs) follow a number of protesters.

## Frontline justification for kettling on the march

The heavy police presence was an area of concern for many protesters who viewed police behaviour as hostile and aggressive: "Police seemed reluctant to let us on the march at all... Even from this early stage police were making it clear that they had no intention of keeping it peaceful." Another protester commented that "essentially, as one Legal Observer called it, we were in a 'moving kettle' from the offset." When asked, officers provided a number of contradictory or vague explanations to justify the containment, and some officers simply refused to answer protesters when asked why they had been kettled. One protester noted:

*"When they finally got us away from the protest up the side street they surrounded us with around a 3:1 ratio of officers to protesters and remained silent or threatened arrest when we asked the reason why we had been singled out and kettled."*



Photo: @istreasatuatha on Twitter

One officer responded that "we've had reports that children have been assaulted by people with red flags." Several officers cited Section 20 as the grounds for the kettle. Another officer told protesters that they had been stopped "because their flags are on broom handles". At approximately 15:30, one of the YCL was told by a Police Liaison Officer that "they'd been kettled because they were "deliberately stopping the parade and people were getting crushed.""

In response to the claims that YCL members had sat down and stopped the march, one bystander who was caught up in this kettle told us that "it would make absolutely no sense that the YCL people would have wanted to stop the march – the march continuing is what they were there for." Another bystander said that "one of the protesters had stumbled, and the police used this as an excuse to move in and block the march." One possibility for the claims of YCL 'sitting' was that other, unaffiliated protesters taking part in the march stood and sat in solidarity with those kettled:

*"Although I'm not a supporter of the YCL in any way, I could not see any reason why they'd been kettled, so me and several others stayed behind to demand their release. The police told us they would be released as soon as we moved out of the way, and then tried to physically move us. Some activists behind me were sitting down and the police pushed me and a number of others."*

One protester and YCL member explained how the police disruption of the march's progress resulted in the formation of the kettle:

*The wall of police officers in front of us ... kept stopping and starting... holding up the many thousands of other protesters behind us this whole time... We kept this whole charade going for the best part of half an hour, by which point the police had stopped and started walking in front of us at least ten or more times. Deciding as the bloc to attempt to stop this whole fiasco we tried to walk around the police, as THIS was clearly causing major congestion of the whole protest.*

Subsequently, two or three rows of officers rapidly enforced a kettle, causing a significant crush and "complete chaos broke out". Another protester described how "protesters wanted to leave the line of march but because the police had formed a solid block around the YCL all day this was treated as hostile by the police and they were chased down and hit with batons at least twice from what I could see." They explained that "nobody resisted their efforts, we just wanted to keep marching."



## The treatment of kettled protesters

Several young children and vulnerable people were trapped in this kettle, despite Gold Commander ACC Higgins claiming at a Scottish Police Authority meeting on 24<sup>th</sup> November that Police Liaison Officers had been present at and had assessed both kettles “on an ongoing basis” during the COP26 Conference and found “no vulnerability”.<sup>94</sup>

In fact, Legal Observers and protesters reported that requests for the presence of a Police Liaison Officer were refused for a significant period of time, so it is unclear how this assessment of vulnerability was conducted. Legal Observer D stated that they “did not observe any Police Liaison Officers engaging with this group for the duration of the march.” Legal Observer A described how “you can’t move for them in Glasgow but suddenly there weren’t any [PLOs].”

*“People inside the kettle repeatedly asking for a liaison and to speak with the police are flat out refused. At 15:27 PLO ...is brought to the kettle by someone outside the kettle. When someone asks inside the kettle what happens next and why are they kettled the PLO says he has no idea, just arrived, and has no information. He walks off.”*

The accounts of vulnerable people who were contained are compelling. Carers with dependents were refused exit, and the weather was, according to one Legal Observer “very cold and wet” with the “kettle kept in place until it is dark at 16:24”. This included a family with a small child who was “evidently extremely frightened. They were not let go until the very end even though they clearly had no affiliation.”

One woman with an infant in a pram was caught up and refused exit for the duration of the kettle. Another protester described “seeing a young 9/10 year old girl and her mother who were absolutely terrified and the police just didn’t care that they were traumatising a little girl... one of my friends who was also involved in my group has severe autism [sic]<sup>95</sup> and was freaked out by what was going on.” This protester asserts that “police seemed unconcerned about the effect their actions were having on some very young and vulnerable people.”

## The safety of the rest of the march

There are a number of concerns raised about crowd control as a result of kettling part of the march, which caused significant disruption to tens of thousands of marchers behind them. One march steward describes how he was:

*“afraid there would be a crush if the march kept moving forwards ... I could see people trying to squeeze past the kettle or walk around it and there were significant crowd safety issues – people were trapped and there was a lot of confusion.”*

Imposing the kettle blocked the road and police instructed marchers to bypass it on the right hand side, through a very narrow gap of about 2 metres between a wall and a bus stop. In his statement to Netpol, the march steward continued:

*“The police made no attempts at crowd control. It was a dangerous and unsafe place to kettle people on a march this big... The march after this was fragmented and blocks were mixed up, [this] changed the tone of the demo.”*

<sup>94</sup> 24/11/21 Scottish Police Authority Meeting <https://livestream.com/spa/authoritynov2021> Emphasis added.

<sup>95</sup> <https://autisticadvocacy.org/about-asan/identity-first-language/>

## The treatment of bystanders

As well as affecting thousands of other marchers, police tactics had a significant impact on bystanders, some of whom were trapped within the kettle. Legal Observer A noted a high volume of “cops in riot gear” and a Police Liaison Officer who was “aggressive to random people from Glasgow who had come out to watch the march. The atmosphere was totally different. It was totally unnecessary.” One bystander explained how he was caught up:

*"I've never been a communist and am 65 so not remotely young. I was talking with them and I got caught in the kettle by chance when the police closed around. I asked to get out and was refused... Through all this detention there was no physical aggression from the young people being detained."*

# Discriminatory Policing

## Arrest under the Mental Health Act

Two Legal Observers (I and H) reported that on 5th November, they were called to an incident by members of the public as “there was a Black man at the bus stop and two police officers appeared to be “giving him a hard time.”” Legal Observer H described how, despite the man “shouting and crying” for police to leave him alone, and after initially allowing him to leave, officers followed him down a side street and arrested him under the Mental Health (Scotland) Act 2015:

*The man was visibly distressed at being detained, and seemed confused at what was happening. He was handcuffed within about a minute of being detained. There was some pulling between the man's handcuffed wrist and [officer]. As this was taking place, another [police officer] from Essex Police asked me to step back “for my safety” and stood in my line of view. When asked why he was being handcuffed, the [police officer] told the man “that's for your own safety” and said “You've not done anything wrong.” The man said he did not want the handcuffs and repeatedly said, “You're embarrassing me.”*

In Scotland, as in England and Wales, police have powers to use “reasonable force”,<sup>96</sup> which, according to Police Scotland's Standard Operating Procedure (2016) and in accordance with the Human Rights Act 1998 “must be the minimum amount necessary to accomplish the lawful objective concerned” and must never be excessive.<sup>97</sup> It is unclear how officers concluded that use of force against someone experiencing a mental health crisis who was “not aggressive” (Legal Observer H) was reasonable.

This was not an isolated incident, however. In Scotland, black people are 1.5 times more likely than white people to be detained under the Mental Health Act, and “more people who were Black or of mixed or multiple ethnicity [are] perceived as a greater risk to themselves and others”.<sup>98</sup> One psychiatrist explains how subconscious racial bias informs the involvement of police and use of force and detention on black people with mental health difficulties: “there is a cultural idea of black people being the aggressor.”<sup>99</sup> Police Scotland have repeatedly faced criticism for institutional racism<sup>100</sup>, particularly following the death of Sheku Bayoh in police custody, and a ‘cover-up’ by the Scottish Government of claims of institutional racism by a senior police officer, reported by Runnymede Perspectives.<sup>101 102</sup>

A HMICFRS Justice Inspectorates Report found areas of concern regarding policing and mental health in England and Wales. This included the use of handcuffs on vulnerable people, stating that “the use of inappropriate techniques can increase the risk of further distress and harm.”<sup>103</sup> The college of policing recommends verbal de-escalation, patience, and listening amongst other tactics to “reduce the need for

<sup>96</sup> <https://www.mygov.scot/arrested-your-rights> Emphasis added.

<sup>97</sup> Scottish Police Authority 22/06/21 [Stop and Search National Guidance](#) p.6.

<sup>98</sup> Mental Welfare Commission for Scotland, September 2021. [Racial Inequality and Mental Health in Scotland A call to action](#) p.9

<sup>99</sup> <https://www.bbc.co.uk/news/health-40495539>

<sup>100</sup> See SCALP's 2021 Guide to policing and immigration enforcement for racialised communities. <https://www.scottishactivistlegalproject.co.uk/resources/racialised/>

<sup>101</sup> Isaac Fanin, BBC News 05/07/17 [Is there institutional racism in mental health care?](#)

<sup>102</sup> The Scotsman 15/7/20 [Police Scotland faces 'institutional racism' claim in think tank report](#)

<sup>103</sup> HMICFRS March 2015 [The welfare of vulnerable people in police custody](#) p.20.

physical restraint and sectioning... where possible, officers and professionals should maximise the time and space provided so that an individual is offered every opportunity to calm down.”<sup>104</sup> However, LO I described feeling “that the police escalated the situation and failed to calm the man by detaining him but in fact made it worse.”

## Discriminatory surveillance

On 6th November, Legal Observer B noted the particular targeting and treatment of protesters from racialised communities:

*“a group of Evidence Gathering Police (orange caps) were intrusively filming one group of people, even though they were relatively quiet. This group had the appearance of being of Middle Eastern descent and the females were wearing head coverings, consistent with those worn by Muslims. The police were standing close to individuals in the group and scanning the cameras up and down their bodies from head to toe in a particularly intrusive manner.*

*No other group had this intensity of scrutiny, despite often being noisier in their protesting. The group ended up all hiding behind their banner, indicating that they probably felt very uncomfortable with the attention. Given that they were the only group who appeared to be Muslim and they were also the only group who received this level of filming, I am concerned that this was a reflection of anti-Islamic policing.”*

Legal Observer A reports another incident of discriminatory policing on the 11<sup>th</sup> November at a Migrants Rights Demonstration.

*Despite a group of white activists in hi vis making themselves clear as the organisers of the protest, when one prominent woman of colour is speaking on the PA the EGT concentrate on filming her. As soon as she stops speaking they stop filming and walk off... At 12:34, as the march is stopped at Paisley Road, the woman who was filmed at the start is speaking again. An officer in a red cap says something along the lines of “get me two officers to look up the charge. She needs to be charged” and points to the woman speaking. The police are clearly singling her out despite her not taking responsibility for the protest or direction but simply speaking on the microphone.*

## Sudanese Bloc

On the 6<sup>th</sup> November, five officers, an inspector and four PLOs held back a group of 10 Sudanese protesters and prevented them from re-joining the migrant bloc of the Climate March. A Legal Observer (B) who witnessed this described the policing as “aggressive... intimidating and argumentative” and stated that “it seemed obvious that racial profiling was occurring because the bloc was all Black and no one else in the crowd was being targeted or held back... They were not de-escalating. I was scared that some-thing serious would occur, such as an arrest or police brutality.” This view was shared in comments by a steward for the march.

## Threat of Deportation

In one extremely concerning incident a COP26 delegate from Nigeria reported an incident of “harassment and intimidation” where he was threatened with deportation for wearing a t shirt with the XR insignia on.

<sup>104</sup> College of Policing 2021. [Mental vulnerability and illness](#) 2.1 Attitude, patience and empathy.

On 8th November, he was followed into a Burger King by two officers who were not wearing uniform but showed their badges. They demanded his personal details so the delegate produced his UNFCCC accreditation card. The officers then questioned why he was carrying his identity card whilst wearing the XR logo. He responded "is there anything wrong with carrying the logo and as well having my identity card?"

*"They said if I continue that way maybe I was going to be deported or something. So, I was like, I mean I don't understand,... there's nothing wrong in having a logo of climate movement of course. So actually they had to walk away, but I felt so embarrassed, I wouldn't know why that will happen so I feel like it was important to report this case."*

# Stop and search

Police Scotland acknowledge stop and search as a “significant intrusion into... personal liberty and privacy” and have publicly committed to undertaking searches in a manner that is “lawful, proportionate and accountable.”

However, the use of stop and search at COP26 was, according to witnesses, frequently arbitrary and in many instances of questionable legality. Netpol received a number of reports of officers unlawfully demanding personal details, searching people without providing any reasonable grounds for using their powers, and frequently failing to provide a receipt confirming a search had ever taken place. There were numerous reports of stop and search powers used on protesters and local residents that were justified by officers for “walking too fast”, having “dilated pupils” (at night), and “ecoterrorism”.

## What are the powers in Scotland?

Powers to stop and search people who are not held in custody are set out in Part 2 of the Criminal Justice (Scotland) Act 2016. This included a requirement for the Scottish government to create a Code of Practice on the use of stop and search and sets limits on how powers are used, which was implemented on 11<sup>th</sup> May 2017.<sup>105</sup> Section 65 of the Act says it is unlawful to conduct a search unless it is with a power “conferred in express terms” by other legislation, or under a warrant.

Police Scotland’s website sets out public information on stop and search that says officers can use their powers if they reasonably suspect someone is “in possession of an illegal or harmful item”, and that they should explain why someone is being searched and what they are looking for. They are also expected to provide a receipt for the search, which “contains information about your rights and how you can access a copy of your stop and search record.”<sup>106</sup>

Police Scotland has also adopted a Standard Operating Procedure that instructs officers that they “must not search a person, even if they are prepared to submit to a search voluntarily, where no statutory power to search is applicable, and they have no warrant to do so.”<sup>107</sup> This document also outlines how police must inform people that they do not have to say anything or provide any information:<sup>108</sup> personal details are required only in the case of a ‘positive’ search result (police find something suspected illegal or harmful).<sup>109</sup>

With regard specifically to the policing of the COP26 Conference, SCALP received a copy of an internal training document following an FOI request, stating that “the use of stop and search **MUST** be in accordance with the Code of Practice. That means that the practice of *searching a person simply with their consent and in the absence of a statutory power of search is unlawful.*” (Emphasis original)<sup>110</sup>

<sup>105</sup> Scottish Police Authority, May 2018 [Stop and Search Code of Practice Review](#)

<sup>106</sup> <https://www.scotland.police.uk/about-us/police-scotland/stop-and-search/>

<sup>107</sup> Police Scotland. 2019. [Stop and Search Standard Operating Procedure](#) p.6.

<sup>108</sup> Ibid. p.7. Emphasis Added.

<sup>109</sup> Ibid. p.9.

<sup>110</sup> Code of Practice- Internal training slide show on Operation Urram. ‘Stop and Search Redacted’. Emphasis added. See Appendix 2.



Despite this, there were multiple examples given to Netpol about the use of stop and search powers that seem wholly disproportionate.

## The use of 'Section 20' as a search power

The evidence and testimony Netpol received over the course of the COP26 Conference included multiple reports which suggest a lack of knowledge about, or misplaced reliance on, Section 20 of the Police and Fire Reform Act 2012 as the sole grounds for undertaking a search. In numerous instances, people who asked what powers the officers were relying on to search them were simply told "Section 20".

Section 20 sets out the general duties of a police officer in Scotland, which includes a duty to "maintain order" and "protect life and property"<sup>111</sup>. A report in 2018 by the Scottish government's Independent Advisory Group on Stop and Search highlighted its concern that the failure to specifically mention the Section 20 duty in stop and search legislation had caused "confusion and ambiguity about whether this statute can be used as a 'power' to justify searches, even though the Code of Practice expressly recognises the duty of officers to protect life".<sup>112</sup>

The implication here is that in the circumstances of protecting life, officers can conduct a search (where no specific statutory power of search exists), but only- as Police Scotland's national guidance makes clear- "as part of **taking all steps necessary to protect life**"<sup>113</sup> (Emphasis added). Officers have to justify their actions and are expected to record the full details of the search and highlight their actions to a supervisor.<sup>114</sup> Nearly four years later, the confusion and ambiguity highlighted by the Independent Advisory Group about Section 20 remains.

Based on stop and search statistics<sup>115</sup> released by Police Scotland in the 12 months before 31 March 2021, only 0.31% of all searches were justified under Section 20 alone because there was no appropriate statutory power. During the policing operation for the COP26 Conference, however, there is evidence that Section 20 was no longer treated as an exception but as a blanket justification for stopping and searching both protesters and local residents in the absence of a "threat to life". It is not clear whether these searches were lawful.

For example, Legal Observer A witnessed an officer, when challenged as to what powers he was relying on, quote Section 20 to search someone's suitcase, which led to their clothes becoming soaked as they were dumped onto a wet road. In another incident, Legal Observer H witnessed Welsh officers quote Section 20 to justify searching and potentially confiscating a wheelbarrow full of food and drinks.

One eye-witness gave Netpol a statement about two women whose bags were searched on 3<sup>rd</sup> November under Section 20 on the way to a protest simply because they were wearing the Extinction Rebellion symbol on their clothes. The women had to wait for 15 minutes while police waited for paper receipts.

<sup>111</sup> Police and Fire Reform Act (Scotland) 2012 <https://www.legislation.gov.uk/asp/2012/8/section/20>

<sup>112</sup> IAGSS. 2018. [Code of practice for stop and search in Scotland: six-month review](#)

<sup>113</sup> An example of the use of this power, identified from an FOI request to Police Scotland, is the seizure of an air rifle to establish whether it is a restricted firearm. In this case, justifiable concerns about protecting life are implicit in regard to the possession of a weapon. <https://www.scotland.police.uk/spa-media/enbjifag/20-1460-response.pdf>

<sup>114</sup> Police Scotland. 2021. [Stop and Search National Guidance](#). p.10

<sup>115</sup> <https://www.scotland.police.uk/about-us/police-scotland/stop-and-search/data-publication/>

## The misuse of stop and search powers

Even in instances where officers were not simply quoting Section 20 but justifying stop and search on the basis of statutory powers, Netpol received dozens of examples of the use of powers that seemed arbitrary and disproportionate.

For example, early in the COP26 Conference week, a member of the public and his partner were stopped by English police officers when they were on the way to buy food and questioned as to where they were going and why. He told Netpol that one officer suddenly claimed that “he could smell cannabis in my bag and that I was going to be searched. We had no cannabis, and this was obviously a fake reason to search us.” He went on to describe how:

*“My arm was grabbed very firmly and I was pushed back towards the wall. I was held and my bag was taken from me. I was asked my name which I refused to give because I was not under arrest. One police officer began to search my pockets, another searched the two bags I had with me. The police officer found my wallet and pulled out my bank card and claimed that if they could not verify my identity they would have to assume the bank card was stolen. I told them my name and confirmed that the cards were mine after minutes of being talked down to and questioned.”*

His partner was threatened with arrest for carrying paint pens, stickers, and a megaphone, which officers seized. When he objected that these are not illegal items, the officers sought advice from Scottish colleagues and then returned the items. He was then ‘un-arrested’ and no further action was taken.

Shortly afterwards, he realised that the police had failed to return his bank card without any notice: “the police had taken my card but I was not told they had taken it. This has caused me a lot of inconvenience and is a real risk to my financial security.”

Despite national guidance on stop and search that “any use of force should be the minimum amount necessary to accomplish the lawful objective concerned”,<sup>116</sup> Netpol also frequently received reports of searches that involved unnecessary physical restraint, with people grabbed or pushed by searching officers. Another member of the public was walking home alone when they were stopped:

*There were no signs, tape, or police blocking the way so I assumed they [police] were there to prevent a protest or something and that I could get past them along the pavement. I was suddenly stopped by a crowd of about ten officers shouting, one of them grabbing me and asking who I was and where I was going, telling me there was no entry along this road.*

*I told them I was just walking home which was true. They then said that I had dilated pupils and that they were going to search me. I hadn’t taken anything, I just have dark eyes and it was about midnight. Two officers held my arms while another searched every pocket, went through my wallet, and searched in the waistband of my underwear. It was clearly overblown and they clearly had no right to stop and search me but other officers covered for the decision by claiming my pupils were dilated. They spent about 5 minutes searching me and asking me questions, taking all of my information.*

In another incident, a lone woman was stopped by around 10 officers while cycling down a quiet road at night and officers again demanded her details, initially on the grounds of an alleged traffic offence. When she refused to provide her name, they became aggressive, seized her bike and put it to the side, and a female officer grabbed her hands behind her back as though to use handcuffs.

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<sup>116</sup> Scottish Police Authority 22/06/21 [Stop and Search National Guidance](#) p.15

*"They were saying you have to give your name and you have to give your details. The majority of the van full of police were men. One female police officer very aggressively searched me, forcefully shoving hands in my pockets and grabbing at my body. They took my phone off me, then said they 'think you have a knife'. I asked what have I done and they said it was a breach of peace and we need to detain you, we think you are a wanted person.*

*I wasn't even at a protest just on my bicycle. There may have been hints in how I dressed as an activist though. They put me in the cage in the van and the process went on for an hour. They took my wallet and phone and were photographing things in it which I don't think they are allowed to do. They called another van of police and eventually did a charge of breach of peace or traffic offence. I didn't really understand what was going on."*

She describes that the whole incident was "very much off the back of the fact that I wouldn't give my name. As soon as I acted like I have rights in this situation it got very punitive." Officers told her that "If only you had given us your name and address we wouldn't have had to hold you." A few weeks later she received a piece of paper at her address notifying her that no charges were being brought.

On 31 October, Legal Observer A was stopped while transporting supplies for SCALP's legal team. He was pulled over on Sauchiehall Street for a "routine stop" by police who asked for his name and driving license, and attempted to undertake an unlawful 'voluntary' search:

*"Although I didn't need to, I did give them my licence as I had it on me. Sergeant... then approached and asked me to step out of the vehicle. He asked me if they could search the van. I said no. They said we could do it the easy way where I let them look or the hard way where he used the Terrorism Act. I told them that they needed a search power, even if I volunteered and they said they didn't if I let them. This is not true.*

*They then said that under 63 of the Terrorism Act they were going to search my vehicle and that I would get a receipt. The two PCs entered my van and searched it loosely. Sgt... stayed outside. Once the search was over the Sgt went back to the carrier and then returned and said no one had a search receipt. I took his shoulder number and asked him to confirm the search power which he again said was s63 of the Terrorism Act. I was allowed to leave."*

## Poor briefing of mutual aid officers about their powers in Scotland

Throughout COP26, from kettles to stop and searches, there was evidence of mutual aid officers from England and Wales struggling to remember Scottish legislation and procedure. In a post on an online forum, one officer seeking advice on the use of force using Section 20 complained that "the briefing for our powers has been non-existent".<sup>117</sup> This came across throughout the conference: explanations for both kettles were vague and contradictory, as were grounds for arrest and stop and search.

Legal Observer A noted that, at 14:08 on 3rd November, a Metropolitan FIT officer undertaking a search "couldn't remember the act he was searching under because the Scottish cop he was with had left him and he didn't know the law. He got frustrated and stormed off eventually." On the same day, an officer was heard telling protesters demanding the reason for their kettling: "I don't know, we're in Scotland, I'm from England."

<sup>117</sup> [https://www.reddit.com/r/policeuk/comments/gkn7ol/use\\_of\\_force\\_in\\_scotland\\_s20\\_police\\_and\\_fire/](https://www.reddit.com/r/policeuk/comments/gkn7ol/use_of_force_in_scotland_s20_police_and_fire/)

Officers undertaking a search on 1st November had to return a member of the public's seized property and 'unarrest' him following advice from Scottish officers.

On 10th November, Legal Observer F witnessed mutual aid officers searching a van on Douglas Street for "lock on equipment" and taking people's details. The mutual aid officers from Merseyside "wouldn't tell us what power for ages, claimed they weren't searching despite there being cops in the van at the time." Eventually they gave the search power as Section 48, the power to search for an "offensive weapon/bladed or pointed article in public/school premises." An offensive weapon is "any article made or adapted [or intended] for use for causing injury to a person, or intended, by the person having the article, for use for causing injury to a person".<sup>118</sup> It is not clear that "lock-on equipment" fits this definition. The officer then threatened Legal Observer F with arrest for asking what power they were relying on.

One protester was told by an officer, during the Extinction Rebellion Greenwash Kettle, that they were being contained on the ground of Section 12 of the Criminal Justice (Scotland) Act 2016. Section 12 of the Criminal Justice Act refers to the rights of a person in custody to be informed of their rights, for example, the right to a solicitor.<sup>119</sup> It is likely that the officer was attempting to cite section 12 of the Public Order Act which gives power to senior officers "to impose conditions on processions".<sup>120</sup> This Act predominantly extends to England and Wales only.<sup>121</sup>

Another protester described the police response on 3rd November as feeling "confused, disorganised and entirely disproportionate towards a peaceful crowd." Legal Observer C also described operations on the ground on 3rd November as "really confused" with a Police Scotland Inspector and an officer from Suffolk Constabulary "basically having an argument in front of me about whether... section 20 or section 12 was in place".

As mentioned earlier, Legal Observers from SCALP noted the frequent use of Section 20 of the Police and Fire Reform Act 2012. This is not standard procedure for Police Scotland, and not a piece of legislation two SCALP Legal Observers with 24 cumulative years of experience had come across before. There is a simple explanation for this: one document provided to Operation Urram mutual aid officers, the "Urram A5 Pocket Guide", covers Section 20 on the first page. In other documents, Section 20 is the first piece of legislation cited in a long list of potential powers.

The implication, therefore, is that officers used the first bit of legislation they saw and that, in the absence of essential knowledge about the extent and limit of police powers in Scotland, may have used Section 20 in a way that was vastly too broad and potentially unlawful.



OFFICIAL

**Police and Fire Reform (Scotland) Act 2012**

**Section 20 – Contained, general duties**

(1) It is the duty of a constable

- (a) to prevent and detect crime;
- (b) to maintain order;
- (c) to protect life and property;
- (d) to take such lawful measures, and make such reports to the appropriate prosecutor, as may be required to bring offenders with due regard to justice;
- (e) where required, to arrest and detain a warrant, obtain an arrestable warrant, or process duty assigned by a Lord Commissioner of Justiciary, sheriff, justice of the peace or specially designated in relation to criminal proceedings; and
- (f) to assist courts to give evidence.

If an officer is questioned on their use of powers under Section 20 of the Police and Fire Reform (Scotland) Act 2012 then the following items of words should be used:

"I reasonably suspect that there may be acts or omissions in this area, and there may be danger to life or damage to property. It is the duty of the Police to maintain order and to protect life and property and I therefore require you to..."

**Gold Commander's Arrest Policy**

In respect of persons arrested for protest activity deemed to be unlawful and interfering with the safety and security, including the effective and efficient operation of the common law, I would expect such persons arrested to be taken to a police station, where, if possible, proportionate and within the legislation and are not released until such time that circumstances are decided whereby they would safely be able to return to the protest site and engage in the same protest activity for which they were arrested in the first place."

<sup>118</sup> <https://www.gov.scot/publications/recorded-crime-scotland-handling-offensive-weapons/pages/2/>

<sup>119</sup> Criminal Justice (Scotland) Act 2016. Section 12. <https://www.legislation.gov.uk/asp/2016/1/section/12>

<sup>120</sup> Public Order Act 1986 <https://www.legislation.gov.uk/ukpga/1986/64/section/12>

<sup>121</sup> With the exception of some provisions relating to hate crime. See: Justice Directorate 31/08/17 [Hate crime legislation independent review: consultation \(technical version\)](#)

# Surveillance and harassment

## Stop and search as an intelligence tool

There is considerable evidence to suggest that stop and search powers were used not for legally justifiable reasons but simply to gather intelligence and obtain personal details from protesters. Police Scotland guidance makes clear that officers must inform someone they are searching that they “do not have to give any information about themselves, or to say anything”<sup>122</sup>. Despite this, officers throughout COP26 not only failed to communicate that people do not have to provide personal details, but also repeatedly and aggressively demanded this information with no legal grounds to do so. In nearly every report of stop and search that we received, police took personal information.

For example, on 3rd November, one protester was released from the Greenwash Kettle at around 19:15 in order to go use a toilet. He was immediately stopped by a plain-clothes officer under Section 28 of the Misuse of Drugs Act and searched. This was witnessed by Legal Observer M. The officer took all of the protester’s personal details and refused to provide a receipt.

## Evidence of intelligence-led harassment

As well as the misuse of stop and search powers as an intelligence gathering tool, there were a number of other incidents that indicate Police Scotland was primarily interested in finding and retaining as much personal information on campaigners as it could.

Near the start of COP26, two campaigners who were providing police station support (meeting people who are released from detention to check on their welfare, and thus not taking part in any protest) had a van load of officers prevent them from leaving a police station car park until their personal details had been taken.

The following day, 2<sup>nd</sup> November, Extinction Rebellion arrived early outside of the offices of JP Morgan, a prominent bank, on Waterloo Street to find a heavy police presence including armed officers. During a picket of the building, police managed to get some young campaigners from ‘Fridays for Future’ into a car to obtain their details. In a statement, one told us they asked why they were questioned and officers told them they had the powers to do so. After they complied, one said:

*“they claimed they would let us go after but they didn’t (they claimed they just wanted to check if there is a warrant for any of us) they didn’t let us leave after that either for another 30ish minutes. We realised we really shouldn’t have given it to them. but it was a super intimidating situation and after like an hour we couldn’t see a situation where we wouldn’t have our details taken.”*

Three other campaigners recounted how they challenged two officers who had been following them:

*“[we] told them we weren’t doing any more protests today, and asked why they were following us. They pretended they just happened to be going the same way, and switched it around to “why won’t you tell us where you’re going?” “We’re just asking etc”. Refused to accept that they were following us. But then sure enough once we split, they continued to very obviously follow [two of*

<sup>122</sup> Police Scotland. 2019. [Stop and Search Standard Operating Procedure](#) p.7. Emphasis Added.



*the campaigners] all the way up to Tollcross, where we jumped in a cab, and managed to lose them. Super stressful and unpleasant experience."*

Legal Observer G reported an incident that took place on 6th November at around 17:15, when a group of Extinction Rebellion stewards set off from Glasgow Green.

*"They are followed by a collection of [6] police officers whom they have had some previous trouble in the day with... They followed them from Glasgow Glasgow all the way to Dows Bar, by Queen Street station, which was about 20 minutes of walking.*

*The stewards go into Dows Bar (17:35). A few minutes later, two of the officers... follow them into the bar and follow one of the stewards into the bathroom. One of the officers does relieve himself but the other simply antagonised the steward in one of the bathroom stalls. Apparently this is the 5th consecutive evening such a thing has happened to this particular steward.*

*After this, the group of officers remains outside the bar until 17:42, at which point they leave, with the stewards feeling understandably intimidated and threatened still in the bar."*

On 9th November, Legal Observer C reported a protester pointing out two officers, one of whom was carrying a taser, who had followed him and his friend for a long period across Glasgow a couple of nights before. One officer said "We need to know your names". When asked under what power, he responded "I don't need one to ask someone's name".

One woman who was arrested while present at a lock-on organised by Scientist Rebellion at the George V bridge on 6<sup>th</sup> November told Netpol how she was followed persistently:

*"I was chased by two officers onto a train, followed back to my accommodation and questioned further about my protest activities. The police said they had intel about me being involved in illegal protests. I was not, I was intending on holding a banner for a non-arrestable action. Another two police officers knocked on the door of my accommodation saying the same thing. After I revealed I was not involved in anything illegal since my arrest on the 6th, they said they would leave me alone. I then find another 2 male officers hiding in an alcove in the hallway of my accommodation, they said they had orders to follow me around for the whole day.*

*I'm not sure why I was singled out as the others who were involved in blocking the bridge did not receive the same amount of police surveillance. I am female, 5ft and mixed raced and outspoken, perhaps that's why I don't know but it didn't seem fair or right and was intimidating."*

Others were followed across Glasgow, and even between cities. On 2<sup>nd</sup> November one told Netpol how "the police followed my friends, who are peaceful protesters, around Glasgow at COP26 yesterday. Today they were followed around Glasgow, onto a train to Edinburgh, and are currently being followed around Edinburgh. This doesn't sound like proportionate policing to me".<sup>123</sup> In another report, from an XR liaison:

*"I spoke to a protester yesterday (Tuesday) who said that he was part of a large group of protesters who arrived in Edinburgh too early to check-in to their hostel so they moved to Princes Street Gardens to wait and eat lunch before they could check-in. They were quite quickly surrounded by police and many of them felt quite uncomfortable.*

*There were Police Liaison Officers who spoke to them. When some small groups drifted off to cafes, shops etc, they were followed and questioned further about what they were doing and*

<sup>123</sup> <https://twitter.com/amsillustrator/status/1455636498137628676>

*where they were going. I think most if not all of the protesters were from various European countries, the guy I spoke to had come over from Belgium."*

## Filming / Evidence Gathering Teams (EGTs)

There was, throughout COP26, an overwhelming number of reports detailing intrusive and intimidating police surveillance and harassment of protesters, bystanders and Legal Observers. They included: following, harassment, unlawfully demanding personal details, and filming and photographing people. This in particular was conducted in a way that, contrary to Police Scotland's allegedly 'human rights-based' approach, not only failed to protect human rights, but actively dissuaded people from, or penalised them for, exercising their human right to freedom of assembly and association.

For example, on 3<sup>rd</sup> November, one Glasgow Resident paused while cycling past a protest to listen to speeches. He did not have a mask with him so chose to sit on his bike at an appropriate distance from the crowd. He ended up leaving due to intimidation and intrusive surveillance:

*"after about 5 mins a police officer came and took a photo of me. I did not do anything other than sit and watch. I wanted to ask why but due to the sheer police presence of around 50 officers in the area, I was too intimidated and cycled off after."*

Throughout the COP26 Conference, Legal Observers documented the relentless filming of demonstrators (or anyone who looked like one). On 9th November, Legal Observer D reported from an event outside Barclays on Argyle St at 15:00:

*"As with all events I observed, there was a heavy police presence. There were three orange-capped officers who spent a considerable time filming people who had gathered in a way that felt excessive, invasive and intimidating. They followed the people for the duration of the event. ... At one point, the officer with the camera turned it on me to film me for a period of time. This was a short time after trying to engage me unsuccessfully in a conversation... As people dispersed, we were asked to witness a single police officer who had followed a small group to a pub - one of the people was very upset and said this had been happening throughout the COP."*

Legal Observer D reported how:

*"every single one of my LO notes is full of evidence gathering team constantly filming people. It was basically constant ... 9/11 St Vincent Street EGT getting someone who had been arrested out of the van again under "section 20" and making them rotate on the spot while held by police officers while they were filmed up and down their body. Later that day EGT ... filming a group of young people (estimate 16 yos) and then after I recorded that filmed me for about 30 mins (already reported this specific incident)."*

On 12th November, Legal Observer A recorded in their notes after a particularly forceful arrest that at 14:24: "someone has a panic attack as a result of seeing this policing and EGT... stand and film them while they receive care. Despite lots of other things going on they stay and film this one person for several minutes." The individual concerned subsequently told Netpol in a statement:

*"the two officers picked the man up and started running, dragging him through the crowd face-down, refusing to tell anyone where they were taking him - I was right in their way and froze at the sight. They had no intention of slowing down or giving people a chance to jump out of the way, so they were in effect using the man's head as a battering ram through the crowd. I found this really frightening not least because the man had no protective head gear on and I imagined he could easily end up with a head or neck injury. As a result, I ended up having a panic attack at the side of the road, which an officer decided would be appropriate to film."*

Regarding the treatment of this arrestee being dragged through the crowd, ACC Gary Ritchie was “more than satisfied the officers dealing with the incident policed it proportionately and acted professionally in a trying situation”.<sup>124</sup> Earlier that day, Legal Observer C had witnessed EGT officers “filming young Fridays For Future activists who were visibly distressed by being followed by the EGT cameras”.

## The use of kettles for surveillance

Particularly aggressive surveillance was also employed by police during the two incidents of kettling described earlier. At the Global Day Of Action Climate March, Legal Observer A noted how protesters were made to walk a “tight gauntlet” of an Evidence Gathering Team (EGT) who “try to force everyone coming out of the kettle to remove their mask and look at the camera.” This is in contrast with Scottish Government guidance to wear masks in “in outdoor crowded places”.<sup>125</sup>

Others described intrusive filming and photography throughout the duration of kettles. Legal Observer D explained how “two officers in orange caps ... were filming the people in the kettle for extended periods of time and saying “we have plenty of time to get your faces.”” Legal Observer A noted that this EGT approached the cordon and was “filming people inside from quite close”. Those who desperately needed to leave to use the toilet were forced to provide identification in order to do so, and there were many reports of people being followed once they were released.

Legal Observer E witnessed a Forward Intelligence Team (FIT) and other officers who “used their bodies to block the YCL from leaving the kettle until they removed their masks. Several of them did this. When one person refused and pushed past, the rest realised that they were not legally obliged to show their faces and also pushed past.”

*“When they finally decided to release us they did so only on the condition we shown our face to a camera, this was strange and I felt was a violation considering we had committed no crime, not been arrested or charged.”*

These FIT officers were described to Netpol as “in groups walking through the crowd... [They] grab one young man who is much smaller than them. They all swoop on him. He is taken and arrested.” Another protester alleges this is because this individual had collected in the red flags and was arrested as a “ringleader” of the YCL protest group.

## The Baile Hoose Occupation

Throughout COP26, and for some weeks subsequently, a collective of activists occupied the former Hamish Allan Centre and asylum seeker’s night shelter in Tradeston, Glasgow. They renamed it Baile Hoose and offered to “provide shelter during #COP26” and as a means of resistance to “the lack of accessible and emergency accommodation in Glasgow”.<sup>126</sup> Throughout their occupation they provided accommodation for a number of COP26 delegates.

In the early hours of 8<sup>th</sup> November, they posted on social media urgently requesting help as up to 20 officers from the Metropolitan Police and Welsh forces broke into the squat, claiming to be acting under orders from Police Scotland. Police Scotland’s press office confirmed officers were in attendance at the

<sup>124</sup> Police Scotland 12/11/21 [COP 26 - ACC Gary Ritchie reflects on the last two weeks](#)

<sup>125</sup> <https://www.gov.scot/publications/coronavirus-covid-19-public-use-of-face-coverings/pages/where-face-coverings-should-be-worn/>

<sup>126</sup> Glasgow Times 1/12/21 [Activists leave Baile Hoose squat in Glasgow's South Side](#)

building, but denied that “that the operation was a raid or an attempt to force entry, or that a battering ram was used.” They offered the following statement: “Around 3am on Monday 8 November, officers attended at a property on Centre Street, Glasgow, following concerns for the safety and security of those using the building. Officers will continue to engage with those currently in the property”<sup>127</sup>. They subsequently told media that “*no raid had taken place*” (emphasis added) and officers had arrived merely to check an insecure door.<sup>128</sup> This explanation was challenged by the activists in the building who explained that they had previously had the building inspected by the Scottish Fire and Rescue and had received advice about fire safety.

It was later further challenged by CCTV footage received by the press which “appears to show officers from England and Wales, including London’s Metropolitan Police, forcing entry to the building through a window. In the video, officers can also be seen using a crowbar to prise open an external door, before attempting to kick down an internal door, causing damage to the council-owned property. A number of senior officers, including a sergeant and inspector, can be seen taking part.”<sup>129</sup>

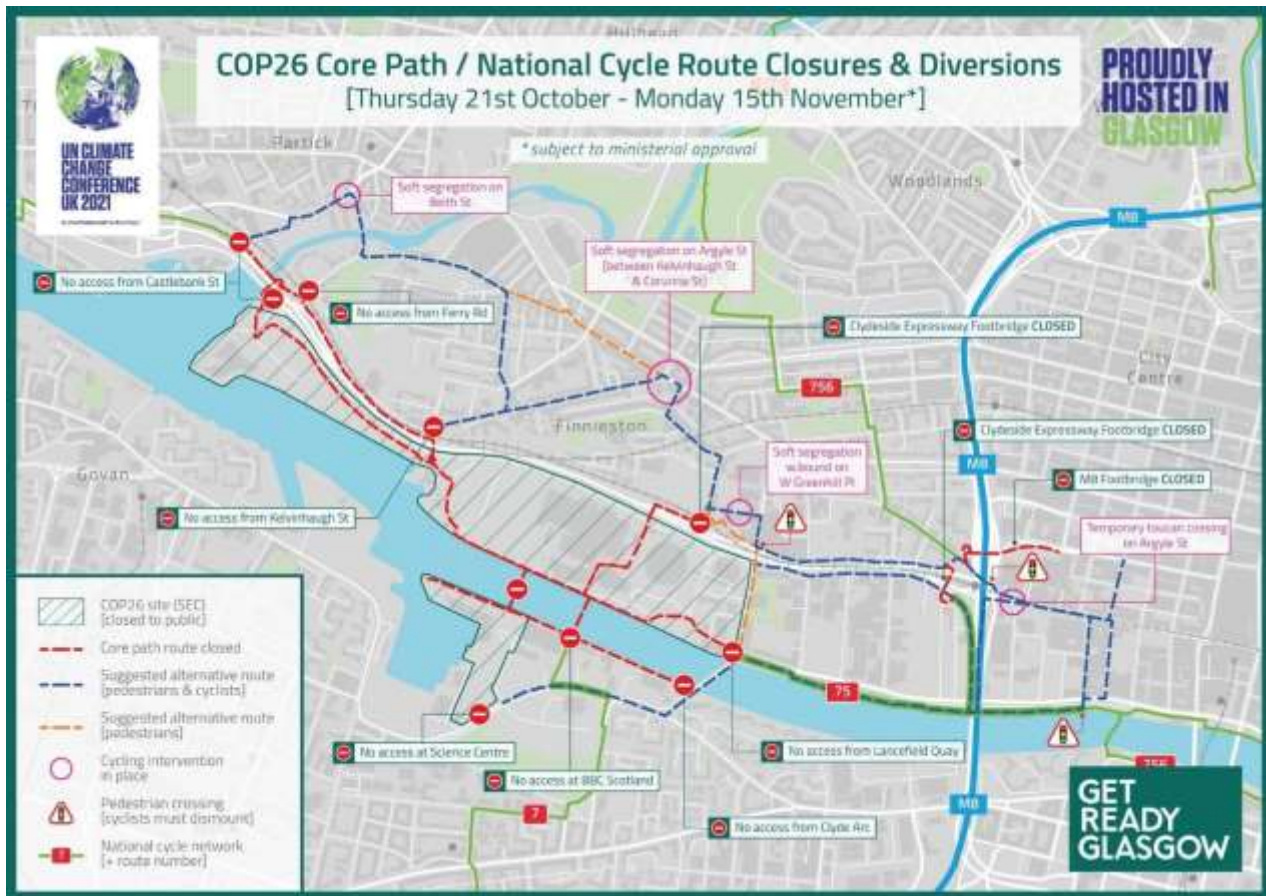
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<sup>127</sup> The Guardian 8/11/21 [Police criticised over raid on Glasgow squat housing Cop26 activists](#)

<sup>128</sup> Morning Star 26/11/21 [Cops involved in raid on Baile Hoose Occupation should face disciplinary action, campaigners say](#)

<sup>129</sup> 26/11/21 Morning Star [Cops involved in raid on Baile Hoose Occupation should face disciplinary action, campaigners say](#)

# The impact of policing on Glasgow residents



Source: Get Ready Glasgow 2021

The heavy police presence during COP26 had a significant impact on a number of Glasgow residents. Whether this was through last minute re-routing of pedestrians through unsafe and impractical routes, direct harassment, surveillance, and intimidation, or simply the increased police presence many reported feeling less safe as a result of high police numbers. Legal Observers, on multiple occasions, noted that many passers-by of marches and protests were subject to “harassing and shoving” by officers.

The increased police presence led to disruption across the city. One notable incident was the last minute closures on Monday 1<sup>st</sup> November of Finnieston Street, Argyle Street and Radnor Street, forcing a number of pedestrians to travel alone over a significant distance through Kelvingrove park, which is unlit. People were using their phone torches to light their way, some with very low phone battery. A number of women felt extremely unsafe, and Legal Observer A described how they saw groups of women who did not know each other travelling in groups to assuage the risk of getting attacked:

*“Residents were promised for weeks that pedestrian access would be maintained throughout only to be suddenly informed that the police can close any road at zero notice not just for traffic but also for pedestrians, leaving residents unable to safely return home.”*

ACC Gary Ritchie released an apology on behalf of Police Scotland the following day, stating that in the event of future last minute diversions, that they would seek to provide additional patrols for “reassurance”. In a Scottish Police Authority meeting on the 24<sup>th</sup> of November 2021, ACC Ian Livingstone referenced this



apology as a positive example of Police Scotland's capacity for rapid response, and a key learning to take forward from Operation Urram.

However, the rerouting through Kelvingrove Park was not the only problem. Many explained that the police presence itself was causing more problems than the demonstrations were. One local described their experience:

*"More police vans parked in & blocking cycle lanes than usual, horse shit all over the roads & cycle lanes, so many vans full of bored cops, huge police presence felt oppressive, unnecessary and like an occupation.... Police kettling/forced marching of the XR protest [was] also disruptive to my commute as I wasn't able to cross the road/the forced march."*

Another Glaswegian described police "swarms across every part of the city ( water, ground, air) and on every conceivable form of transport (motorcycle, car, van, horse, boat, helicopter!!)."

*"I cycled to work during COP26 and was confounded by the amount of police presence... It did not make me feel safe at all...I often found that they would make me become self-conscious, anxious, and behave differently out of fear of being stopped or talked to. They were often in my way on my way to work, walking on paths I would normally cycle on, taking up space, blocking pathways..."*

Officers were also insufficiently briefed about road closures and routes. One resident who was attempting to meet their friend on the 1<sup>st</sup> November when Argyle Street (in the West End) was closed, said:

*"None of the officers had maps or clear instructions for which way to go... the police were not informed at all, [and] did not have basic info to keep local people safe. My friend, who lives right on Argyle Street in the closed section, was not given any warning (like a notice put through doors) in advance of the closure."*

One employee of a small charity providing "birth support to vulnerable and marginalised women and birthing people in Glasgow, the majority of whom are refugees and asylum seekers", describes the impact of heavy policing on their operations. The charity took the decision to close their city-centre office during COP26 because so many of their clients have "had traumatic experiences with police and other arms of the state, both in their countries of origin and here in the UK", and they did not view it safe or appropriate to encourage people into attendance which may lead to "interactions with a police who were clearly very activated and ready to escalate very quickly".

This notion of threat and unease was a recurrent theme in responses from local people. One woman chose to take a thirty minute drive rather than an eight minute cycle in the dark: "the thought of cycling home through Glasgow at night was too much to bear. There were police everywhere but they were in such large numbers, huddled into smaller groups, just walking and looking at passers-by. I felt completely on edge, not protected." Another Glaswegian describes below how they viewed the policing of COP26 as overwhelmingly negative:

*"Seeing so many rows of police vehicles and lined up officers all over the city was very ominous and created a really sinister atmosphere. It made me think about footage of civil wars in other parts of the world, of the London riots and of the recent treatment of women at the Sarah Everard vigil. I did not feel protected, I just felt like something bad was going to happen. The helicopter droning on and on in the distance contributed to a feeling of unease and like you needed to rush, couldn't linger and take your time."*

### **Statement from Not One Rogue Cop on the impact of policing in Glasgow during CoP26 - October/November 2021**

Not One Rogue Cop was launched in May 2021 after the death of Sarah Everard, set against the backdrop of the Black Lives Matter movement, and in the context of an increasingly authoritarian legislative agenda at Westminster. Not One Rogue Cop are a women-led group based in Scotland who see police violence as state violence and do not accept that additional police resources will reduce violence against women. Not One Rogue Cop believe Police Scotland are presented as a friendly and affable police service but that is not the reality as evidenced by the ongoing criminalisation of working class communities and football fans, the rates of death in police custody and prisons, the racialised elements to policing and the increasing powers they have been granted. Not One Rogue Cop believe funding should be increased to the NHS, social services, addiction services, mental health services, education and youth work instead of the police.

Not One Rogue Cop were concerned about the impact the massive increase in policing across Glasgow during CoP26 would have on local communities. Some of these communities are areas of high multiple deprivations. They are working class areas. They are areas which are already disproportionately policed with stop and search powers used. We were conscious that 10,000 additional police on the streets of Glasgow each day was likely to cause harm to our communities. We encouraged people to report any concerns to Netpol and to make sure communities were aware of their legal rights using the resources from SCALP.

We saw Police Scotland pump out their own propaganda through social media in the weeks leading up to Cop26. They showcased the armed police, seeking to normalise the use of guns on our streets. We saw elected members of Holyrood and local authorities 'dress up' in the police uniforms, learning how the police intended on using a 'human rights-based approach' to the protests. We noted the proliferation of "Project Servator" which asked people to 'inform' on their neighbours, colleagues, people on the street. We remain concerned about the lasting impact this policing operation will have.

Not One Rogue Cop attended as a group at the demonstration on Saturday 6th November for climate justice. We were behind the YCL when they were stopped at the corner of St Vincent Street and Holland Street. YCL had been loosely kettled since Kelvingrove but the kettle tightened at this point, stopping the whole march. Police Scotland officers, which were the overwhelming majority other than a few Met officers, were antagonistic, sarcastic, unhelpful and provocative. They filmed everyone in the surrounding area. It was unclear why the march had been stopped and why the police thought it necessary to remove YCL from the demonstration. The only obvious reason was to disrupt the march, creating a tense situation which diffused into a stand-off which lasted for hours. Not One Rogue Cop followed the YCL being moved up Holland Street in order to provide a presence which would make it more difficult for the police to arrest people. We understand Police Scotland believed some members of the YCL to also be members of the Green Brigade. We would believe this statement from the police in that they get nervous around organised groupings of working-class people - be they football fans who organised the only successful repeal of legislation at Holyrood, those identifying as young communists, or women expressing outrage and grief at violence against them.

Touching on their own experience as a criminalised worker in the sex industry, another resident explained that:

*"Police presence does not equal safety for so many of us, and I felt this viscerally every time I left the flat. I also noticed an increased police presence in areas where homeless and other vulnerable and marginalised people gather, particularly under the bridge next to central station, as well as near a soup kitchen one evening."*

For other Glasgow residents, an increased police presence meant a marked increase in harassment and stop and search. One person noted how, on their way through Kelvingrove park on Thursday the 4th of November, police demanded information from passers-by. They witnessed police stopping a Black couple who were walking past, they "listened in and instead of "how you're doing", "lovely weather today" ... it was "what are you doing in the park today" and "what are you doing this week". The couple looked uncomfortable as hell".

## Mental Health

There was an extremely concerning incident on Wednesday 3rd November, reported by several witnesses. A woman with severe mental health issues was caught up in the Extinction Rebellion Greenwash kettle and "manhandled" by several officers (identified as from the Metropolitan Police) between 17:00 and 17:20. In her own words, she told us how she had been standing nearby to listen to the protest and how the police behaved towards her:

*"[Police] were forcing innocent bystanders back even on the pedestrian pathway. I stood up for myself [and] told the police officers I was an innocent bystander and no way involved with the protest but they were not interested and proceeded to push at me... I wasn't involved, I suffer from severe mental health issues and stated it was borderline personality disorder I suffered from and all I was wanting to do was stand at the side and watch the protest go past. They continued to push to which point I went to the ground because felt panic attack hitting, then got moved along end up on top of a car mid panic attack had few bystanders help me to calm down unsure of what happened next due to psychotic blackout vaguely came round to police medics assisting me"*

Several witnesses described the severity of this incident as inducing "seizure-like symptoms" in the victim. Another witness described "She appeared to me to be having a heart attack. The police stepped over her unconscious body and continued to advance. I couldn't see if the woman was given medical attention, but it didn't appear to be a priority for the police."

The nearest Legal Observer called urgently for police medics, who eventually arrived. The woman "was vigorously shaking and looked like she was having a fit at this stage.". She was able to produce her bus pass showing her entitlement to free travel to indicate her disability to the officers. Legal Observer C subsequently described how:

*"[The woman] was held by her armpits by 2 officers... [she] was facing outwards towards a packed crowd of the general public, whilst restrained by officers who were effectively using her as a battering ram, to push through the crowd. The way she was held made her clothing ride up and*

*so parts of her abdomen were exposed. [she] was crying and looked visibly distressed, saying it hurt...*

*She was struggling to breathe and I stood by her side supporting her to exhale. She very quickly sunk to the ground... where I just caught her head in my hands before she hit the pavement. She seemed very dissociated and in a lot of distress... The [police] line continued to progress over us as [she] lay in the foetal position with myself kneeling on the ground hunched over her to protect her head from the boots of the MET officers whose line was advancing over us."*

## Treatment of Legal Observers

Netpol has previously reported<sup>130</sup> on police failing to understand that independent Legal Observers are not participants in protests, and that this has resulted in harassment, threats of arrest and searches, with Black and racialised Legal Observers disproportionately targeted. Unfortunately, we have seen further evidence of this during the COP26 Conference.

Police Scotland appears to have actively conducted surveillance on Legal Observers, with a significant number repeatedly followed across Glasgow. One noted:

*"[we, (B, C and L)] got followed all the way from Buchanan steps to Waterloo Place and all the way back to Central Station by 2 officers. We went in to a Cafe Nero to shake them off. They came in after 10 minutes and asked us why we'd taken their numbers and what we were doing. We "no commented" and they got annoyed with us. Eventually they left but waited for us outside and then followed us until the kettle."*

Their Legal Observer partner (B) explained that "Police [were] waiting for me outside station toilets and continued to follow us. We sat on the steps outside Central Station and they stood across on the pavement staring at us." Then police followed "very closely, just a few feet behind. This felt very threatening and intimidating".

We also found a consistent pattern of male officers speaking to female Legal Observers in derisory or mocking ways, behaving in a physically intimidating manner and then backing off when lone females are joined by others. At 16:09 on 7th November, a female Legal Observer (C) was observing an arrest when approached by an officer in the following way, which she described as 'patronising and sleazy' psychological intimidation tactic.

*"An officer with a yellow cap but red shoulder insignia (which was confusing), ... approached me and said "Do you want a sticker?" whilst offering me a sticker with a police insignia which said 'Well Done' on it which was clearly for children. He followed this up with "Do you need any more details? Are you not allowed to talk? These stickers are highly sought after in Glasgow". Needless to say I found this pretty creepy."*

Another female Legal Observer (F) was threatened and intimidated by Evidence Gathering Team officers who were "filming right in her face then up and down her whole body" and who then followed her down the dimly lit and isolated Holland Street after dark. The three male officers then surrounded her. Footage

<sup>130</sup><https://netpol.org/2017/06/08/merseyside-police-legal-observers/>

of this incident was recorded by an OSCE-ODIHR monitor <sup>131</sup>. Another Legal Observer (C) who was present described how “the EGT officers were very macho in their attitude towards us”.

Harassing and intimidating behaviour was often linked to officers taking issue with having their actions monitored or their identification numbers noted down. Legal Observer D describes how she was requested by a member of the public to go and observe an arrest down a quiet side street. She was then threatened with arrest and officers unlawfully demanded her personal details. She was unable to complete noting all of the officers' numbers due to feeling “very intimidated”.

*“As we started taking the registration details, the police started to shout ‘this has nothing to do with COP’. As trained, we did not respond and continued to take notes, including the details of what appeared to be a COP26 pass visible from the windscreen. As I was taking those notes an officer removed it. When we started taking notes of the numbers of each officer at the van, they started demanding to know why we were noting their numbers.”*

*“When I responded no comment, one said in a mocking tone ‘you aren’t under arrest, you don’t have to say no comment’ and ‘you can’t be a very good legal observer’ They got more agitated, and one officer grabbed my arm and said ‘if you are taking our details, you should give us your details’. I asked ‘under what power’ and he responded ‘under what power are you taking our details?’ I declined to respond. A second officer then said ‘we could suspect you of trying to forge an official pass’ referring to the notes I took of the COP26 document on the dashboard. We continued to note their numbers in silence and left.”*

Throughout COP26, Evidence Gathering Teams and other officers unlawfully demanded personal details from Legal Observers. In one incident, at the Greenwash Kettle on 3rd November, multiple witnesses report officers harassed Legal Observers for their details.

At 10:27am the same day, one officer became defensive when Legal Observer J attempted to find the badge number on her shoulders. A witness reports that she said repeatedly and aggressively demanded “Give me your details then! If you’re taking my details I’m gonna take yours!” The Legal Observer concerned says that the officer “then asked me why I wanted her details. I said it was just what we’re supposed to do and if anything happens then we might need her details. Two other male officers then got involved and came over and were standing unnecessarily close to me. I was starting to feel intimidated.” Once another Legal Observer came to support, the conversation stopped.

In a separate incident on 12th November, Legal Observer C describes how “several officers in this area did not have visible badge numbers”, and two inspectors with red shoulder insignia refused to give their badge numbers or names to multiple Legal Observers including Legal Observer C:

*“When I asked them for their names and / or badge numbers they refused and said that they didn’t have to tell me. When I said that they were meant to tell us, as members of the public requesting that of them, they said that they didn’t have to tell us. I said they did again and they said “Under what law?”. I referenced the SOP on Uniforms and they very reluctantly told me... They said that I should have built a relationship with them and then maybe they would have wanted to tell me their numbers.”*

Police Scotland’s Standard Operating Procedure on Uniform and Appearance standards states that “epaulettes displaying a divisional shoulder number (divisional letter and number) and / or rank insignia *must always be displayed and worn* by all uniformed officers to facilitate identification at an operational

<sup>131</sup> The Organization for Security and Co-operation in Europe (ODCE) Office for Democratic Institutions and Human Rights (ODIHR), based in Warsaw, undertook independent monitoring of public assemblies during COP26.



level and by members of the public” and “If required by a member of the public to provide information as to their identity officers *must... on request provide their shoulder number.*” (emphasis added)<sup>132</sup>

### Statement from Scottish Community and Activist Legal Project (SCALP), December 2021

Scottish Community & Activist Legal Project (SCALP) is a collective of activists from social and environmental justice groups in Scotland who are collaborating on community and activist legal support. COP26 represented our most active period of legal support to date. In the run up we ran Know Your Rights workshops, produced and distributed legal information and trained people as Legal Observers. We distributed bustcards, small cards with information about legal rights, our Back Office phone number and the number of a recommended solicitor in case of arrest.

Throughout the summit we organised Legal Observers to attend protests and events wherever possible. They acted as independent witnesses of policing and documented interactions between members of the public and police. We also ran a Back Office which tracked people through the arrest process and court. Notes of specific incidents have been included in this report and we are also assisting people with complaints and future court cases.

SCALP Legal Observers witnessed several concerning policing incidents, and heard from members of the public as well as demonstrators that SCALP's support mitigated some of the impact of the saturation policing they were subject to. Despite the policing, it was clear that people felt supported and equipped to be on the streets knowing their rights, with the presence of Legal Observers and Back Office support. Scaling up SCALP's support for COP26 has strengthened our capacity for countering police abuse of powers and empowering the struggle for environmental and social justice.

[www.scottishactivistlegalproject.co.uk](http://www.scottishactivistlegalproject.co.uk) / @activists\_legal

## Preventing Legal Observers from monitoring police activities

Legal Observers frequently reported officers intentionally blocking their view and forcing them to move back from incidents they were observing. On 6th November, a female Legal Observer (B) who was attempting to observe an incident of “aggressive” policing of the Climate March, where it “seemed obvious that racial profiling was occurring” was told to move back from the area:

*“One very large male-presenting PLO [Police Liaison Officer] told me that I was in danger if this bloc surged forward and that I should move. I refused. I felt he was trying to intimidate me to move on and stop observing. I am 5 foot 3 and he towered above me.”*

At the same march Legal Observer D describes how “Legal Observers nearby... [were] blocked by a line of police officers from getting to the kettle under section 20 with no further clarifications.” Another Legal Observer (K) attempting to observe the removal of a lock-on on the same day describes how “on several occasions police officers asked me to stand further away from where arrests were taking place and officers deliberately blocked my view by standing in front of me.” Despite claims that this was for his safety, he describes how there were other individuals without safety equipment much closer to the arrests:

<sup>132</sup> Police Scotland. 2017. [Uniform and Appearance Standards \(Police Officers\) Standard Operating Procedure](#). p.6.

*"I was made to stand 4 to 5 metres away from where the sitting protesters were being arrested, and often with my view blocked. It was a noisy environment and I was unable to hear the arrests properly."*

The Legal Observer (O) accompanying him was told by separate officers to stand on the pavement up to four traffic lanes away from where the arrests were taking place. Fearful of arrest, she complied, "but this meant she wasn't able to witness most of the arrests effectively." In another incident three days later, a different Legal Observer (F) reported the police bringing in four vans "to block off all viewpoints... every time a gap opened up so we could see something ... they would walk to block visibility. This was Lincolnshire police."

On 10th November, Legal Observer F was threatened with arrest by an Inspector from Merseyside while observing a stop and search "for asking what power, saying it was "obstructing a police officer".

# Aggressive policing

## Aggressive resistance to filming of officers

As with taking issue to having their numbers noted, or refusing to provide them when asked, police throughout COP26 responded negatively to being filmed and photographed.

On 1st November a woman who was filming and photographing the 'Billionaires Dinner' protest described how an officer grabbed her hand and bent it backward, to seize her phone. Officers then forced her to leave at around 23:00 down "a very long road by the canal in the pitch black, and nobody is down there." She was denied a request to leave by a safer route, despite officers claiming that they were removing her from the area for her own safety.

*"They came for a fight and no one was giving them that so they were behaving spitefully. It was as though they were thinking, how can we make people feel totally uncomfortable and unsafe? I was not doing anything illegal and I was made to feel like a criminal constantly."*

On 3rd November, during the spray paint arrest at the start of the Extinction Rebellion Greenwash demonstration, a Black woman filming the arrest was thrown to the floor by police, grazing her leg and smashing her phone screen.

## Aggression by Police Liaison Officers

Netpol also received a number of concerning reports of aggressive and violent behaviour, harassment and intimidation including complaints about the conduct of Police Liaison Officers (PLOs) who are nominally "responsible for engaging with protest groups before, during and after any protest activity", but are primarily responsible for gathering intelligence. They are identifiable by their light blue tabards (see right) and normally seen as overly friendly, although this was not the case during COP26..



One witness described how, on 6th November, they "saw a PLO grab the shoulders of a woman using the megaphone and push her side-ways, she wasn't standing in anyone's way or doing anything other than chanting".

*"The only aggression I witnessed was police towards members of the public who wanted to walk up a road which the police had blocked. There was also one PLO, who had been involved with the arrest of the man in George Square on the 5th... [the PLO] picked on one quite young activist locked on and put them under pressure threatening that if any of the children who were at the gym on the cordoned street went missing it would be her responsibility."*

Another PLO threatened the driver of a sound system with arrest while they drove through Kelvingrove park for an Extinction Rebellion demonstration that had previously been confirmed and permitted by the council. In a statement, we were told the officer "didn't mention under what power, just "we're going to charge the driver.""

## Incidents of police violence at protests

Both kettles involved significant use of force by police officers. On 3rd November a number of witnesses described aggressive shoving and grabbing of protesters and bystanders. One officer “picked elderly male protester up off the floor and threw him into the crowd.” This was also observed by a Legal Observer (C).

Many witnesses reported officers behaving aggressively towards smaller female protesters and a number said they feared for their safety, as police behaviour disregarded “the risk of injury and the panic that they were generating in the crowd.” This includes by threat of violence, one officer saying “you don’t attack me [and] we won’t attack you”, which struck the protester as odd : “an officer shouldn’t be threatening to attack, surely only self-defence not ‘attack’”, and one sergeant was “heard saying “don’t fucking play up” to protesters.” Legal Observer B described how on 3<sup>rd</sup> November:

*“One man, who I think was a bystander got shoved to the ground and lifted by police and taken to police van. Another man stumbled to the ground, but managed to get up... I saw a woman looking dazed and distressed stumbling. A member of the public advised me that she had been pushed into a pole. She fell to the ground. My colleague tried to intervene and caution against trampling her, but the police just said to keep moving and refused to let a male member of the public stay with her. The police just walked over her. They kept moving forward, pushing and shoving. We were getting shoved against the police vans and repeatedly pushed from behind, even though we were effectively in a crush situation created by the police.”*

Another demonstrator caught up in this kettle describes how her flag was pulled from her by an officer in the initial crush, and as she tried to speak to the officer who had seized it, “the officer beside him would shut me up by violently shoving me... every time I regained my footing, the officer behind me would shove me off balance again).”

This treatment extended to bystanders. Legal Observer A noted that “police used considerable aggression, grabbing people who made it through the line and pushing, to enforce the cordon... I witnessed one man simply going for a train was pushed quite violently and was shouted at even when he was calmly explaining he was going for a train.”

On 6th November at the Climate March kettle, the initial crush involved significant use of force and violence. A protester described people knocked to the floor and grabbed at by officers, with the handle on her backpack being ripped and broken by an officer due to the force used:

*“I started shouting “someone’s on the floor, stop, someone’s on the floor!”. Everyone was completely being squashed in, I had hands pulling me every which way.”*

There are multiple reports of officers “throwing punches and pushing”, during kettles, including one 18 year old woman being punched in the face unprovoked, and someone outside of the kettle was punched in the head by an officer for calling them a name. A Legal Observer noted how police use of force resulted in “a serious crush and it is clear people inside the cordon are struggling to breathe” and as a result, one 16 year old girl passed out and collapsed. Another witness describes how “she had already complained of discomfort and trouble breathing but she was ignored until she wasn’t conscious.”<sup>133</sup> One protester told us that he was “punched in the gut by a police officer who was obviously on some sort of power trip.”

<sup>133</sup> Legal Observer A: “There is a lot of upset from the rest of the demo, with people shouting. Despite this quite intense provocation there is no threat of violence from the crowd”

*"a young officer clearly lost his head and threw a couple punches at one of the vocal men... the officer had clearly lost control as he was using excessive force he even drew his baton ... This officer was then pulled away by other officers and moved to another position."*

As the police attempted to move the kettle up Holland Street, there are reports of further violence and one protester told Netpol how a female protester was sexually assaulted.

*"One officer used pushing us up the hill as an excuse to grope a young woman who asked me to take her place in front of the police so she could not be assaulted further."*

Another young female protester described how "some officers even recognised that all they were doing was shoving us together with no outlet, but that did not change anything. They said they were only "acting on orders"." She describes being shoved by an officer so hard she was lifted off her feet:

*"I started to cry and screamed for him to let me go, that I was in pain and hurting the girl in front of me, and he was torn away by a different officer telling him to "back off". He backed off suddenly and I fell to the ground unconscious and got dragged away by police medics."*

A 15 year old protester described how police "became very aggressive and at one point an officer grabbed my sister by the throat and threw her backwards. This was because my sister was shouting at them to let the young children leave." Legal Observer E also noted this incident. Another female bystander described hostile behaviour from police:

*"I stood still where I was as there was plenty of room for the police to walk around me, but most of them chose to walk into me, stamp on my feet with their boots, or hit me with their elbow or shoulder as they marched past in formation... I was directly next to the line of police at the front at one point, and as I walked past one said "Move if you don't want to be on the news." I thought and I still think, he was referring to Sarah Everard... Whenever they looked at me or made eye contact, their facial expressions were hostile and angry."*

A bystander gave an account of how "a few of the police did seem quite embarrassed at what they were being ordered to do but they were just obeying orders". Another bystander commented that "the police positioned themselves and acted in ways that were hostile, towards protesters and other members of the public... Many of them were not wearing masks, even when they positioned themselves shoulder to shoulder with their colleagues and members of the public."

One witness reported a "police officer try to knock a girl (likely to a protester) off their bike by pushing them as they were cycling over" Clyde Arc bridge, around 18:00 on 2nd November.

Legal Observer A witnessed a violent arrest on 12th November, with the arrestee's arms cuffed behind his back but with one arm twisted in the cuffs.

*"Two officers then picked the man up from his cuffed arms and started dragging him through the crowd... Eventually he was picked up by his legs as well... He is screaming in pain and pleading to walk... [officer is] still holding his cuffs tightly. People are pleading and shouting at the police to stop hurting him. As they are dragging and carrying him one officer approaches the cops and asks "where are you taking him?" and they say "we don't know."*

*There was considerable confusion with police simply dragging this man with no idea where to go until they reach the crowd control barriers. Other officers arrive and start pushing people back fairly aggressively. There seems to be no officer of high rank in charge and no plan of what to do with the arrested person. Eventually a police van with riot grills is brought and the man is bundled into a very small cupboard in the back. He is still in cuffs and looks to be in considerable pain.*



*All officers are quick to get aggressive and shove people back. They have no idea where they are taking him... I hear afterwards from another LO that the second person arrested was calmly taken to a police van and because he was not in pain the officers simply walked through the crowd without issue. The response they got from the crowd was a direct result of their violence to the person they had arrested."*

On 5th November, Legal Observer C reported police motorbikes "clearing pedestrians East up St. Vincent Street, just West of the junction with Pitt Street. Glasgow residents and visitors were being forced out of the road ahead of the march." Legal Observer A noted that "at one point they drive their bikes towards two young children who were on the road. [An officer] forces some indigenous activists off the road onto the pavement. There was a clear difference between how the demo and anyone outside of the demo was policed."

## Occupying Glasgow – the police presence and its impact

When questioned about whether the overwhelming police presence in Glasgow was proportionate to peaceful climate protests, Gold Commander ACC Higgins asserted that the lack of violent disorder was evidence that the level of policing was necessary and effective.<sup>134</sup> This appears to have been the primary consideration – to prevent disruption and disorder. Evidently, despite pledges made beforehand, human rights were seen as secondary.

Furthermore, a lack of violent disorder does not demonstrate a successful 'human-rights-based' mobilisation if that policing operation, either directly or indirectly, stifled human rights to freedom of assembly and association, for example. The excessive police presence was noted as "oppressive" by Legal Observer B during the Pilgrims Procession at the beginning of COP26, who stated it:

*"felt oppressive and inappropriate for what was a joyous arrival of pilgrims to Glasgow... I heard one police officer saying ...we are meant to spread out now, but there are too many of us to spread out...a bit of an indication that even the police thought there were too many of them."*

At this event, stewards working to facilitate a safe assembly were threatened with arrest as "organisers of an unauthorised procession." One was picked, and their personal details were taken, with officers telling them they would be considered for possible prosecution. This had the potential to negatively impact public safety, by dissuading potential stewards from volunteering to help manage scheduled marches for fear of prosecution.

Another example of this overwhelming presence and disproportionate restriction on human rights was the response to peaceful informative walking 'Toxic Tour' starting from George Square on 4th November. Legal Observer E noted that there were "probably more police than attendees". The group was blocked from undertaking their tour, and hindered from exercising their human rights to freedom of expression, and the corollary right to "receive and impart information",<sup>135</sup> eventually disbanding when frustrated by police.

*"[Attendees were] escorted by police around various locations until it arrived down by the Clyde, near the Barclays' building" at which point it was blocked from proceeding (11:55). At 12:20 this route remained blocked, and PLO refused to explain the power being used to block the tour. At*

<sup>134</sup> Scottish Police Authority Meeting 24/11/21 <https://livestream.com/spa/authoritynov2021>

<sup>135</sup> Article 10, Human Rights Act 1998 <https://www.legislation.gov.uk/ukpga/1998/42/contents>

*12:25, the tour disbanded. The PLO was subsequently told that there was a "suspicion that the tour group intended to cause damage to the Barclays building".*"

On the 3<sup>rd</sup> November, over twenty officers arrived to seize an inflatable Loch Ness Monster under "section 20" which was due to feature in a protest by anti-poverty group, Jubilee Debt, highlighting "the growing \ COP26 venue." One activist commented: "Can't believe they just sent 50+ cops to arrest our pool float."<sup>136</sup>

Nessie was not the only inflatable creature to be detained during COP26. On 9th November, a group of five vegans were prevented from taking their inflatable cow for a walk. Legal Observer C reported the surreal nature of this incident, with officers initially citing:

*"Article 236 of the Air Navigation Order 2016 to say that the cow can't be filled with helium and can't be airborne if it is". It isn't, so officers look for another reason to apprehend the inflatable cow. After asking their bosses, they relay that "they don't want you to go for a walk because of the cow's width" and threaten the vegans with arrest if they take the cow for a walk. One of the vegans complains that "If we have a peaceful protest carrying this thing then you're impeding our right to protest", and the officer responds that "The right to protest is a conditional right. I'll let you settle down now we've given you that information". The vegans are "frustrated and exhausted and say they are likely to deflate the cow and go home."*

There were also multiple reports of police threatening local businesses not to allow climate campaigners onto their premises. One witness reported overhearing police tell bar owners the following:

*"We will be watching you tonight, if you let in any climate campaigners then we will be hanging about all night and harassing you, and that hardly looks good for business does it?"*

This was also documented by Legal Observer A on 31st October, who saw Forward Intelligence Team (FIT) officers "following people [and] stopping them going into pubs". In another incident that took place as COP26 was beginning, a group were threatened with arrest for holding a large banner welcoming activists travelling by the 'Rail to the COP' including Greta Thunberg:<sup>137</sup>

*"there was a group at Central Station welcoming activists arriving by train. Police threatened the whole group with arrest for holding a banner because it was "too big". Afterwards at least one group was followed by two FIT officers who were filming them on a phone while they were going to get food etc. They also tried to get details from them."*

## Disregard for the safety of protesters using lock-on tactics

Police Scotland's commitment to 'balance' the "rights of people who wish to peacefully protest at COP26... [with] the rights of the wider community" appeared heavily weighted in favour of minimising disruption to traffic and businesses, even where this means using dangerous and forcible protest removal tactics with basic disregard for the safety and welfare of protesters in 'lock-ons'. This includes protesters as young as 17 who were refused access to welfare from stewards (3rd November) or refreshments (9th November). In the second of these two incidents, Legal Observer C also noted an extraordinary 68 police officers in attendance for two locked-on protesters. This was despite ACC Higgin's claim in advance of COP26, that Police Scotland's tolerance level for direct action tactics would be "moderate".<sup>138</sup>

<sup>136</sup> Daily Record 3/11/21 [Giant Loch Ness Monster confiscated by police at COP26 protest](#)

<sup>137</sup> Metro 30/10/21 [Greta Thunberg arrives in Glasgow ahead of crucial COP26 climate summit](#)

<sup>138</sup> The Guardian 24/06/21 [Treatment of Cop26 protests will be 'friendly', says Police Scotland](#)

A scientist involved in one lock-on action explains how she “took part in the civil disobedience act of blocking the George V bridge on 6th November. I was amongst 20 other Scientist Rebellion members who took part. At the initial stages of the protest, some male officers were using excessive force to drag away protesters who had chains around their neck.”

A video received by Netpol corroborates this.<sup>139</sup> As soon as it became apparent that protesters were attempting a blockade, officers began shouting ‘Lock-on’ and swarmed the protesters, forcibly grabbing and dragging away any that hadn’t secured themselves yet. A female officer is heard shouting “can we get them removed please” and immediately following this multiple screams of pain are heard from locked on protesters subjected to use of force. This includes several protesters being dragged away with chains around their necks. One male officer forcibly lifts and pulls one protester away from the group she is chained to, while the chain pulls at her neck and she screams in pain.

An onlooker states to police “you have an obligation not to harm these individuals so if they’re saying they’re hurt let’s pay attention to that please”. The officers provide no response. Subsequently, another protester who is being handled by four different officers explains how “I’ve got it around my neck... it’s literally not loose. Please stop, please stop!” As he is dragged away with another protester who is also chained he screams “I can’t breathe, I can’t breathe!”

The person filming was told to move back as the protesters are dragged away and people shout for the police to listen to the man’s screams of distress but are ignored and the police continue with the removal telling him not to “be stupid”. Police Scotland, again, publicly claimed to have ‘facilitated’ this protest:

*“We have facilitated a peaceful protest, but to balance the right to protest with public safety & rights of the wider community, our Protest Removal Team is safely removing protesters.”<sup>140</sup>*

Legal Observer K, who observed this incident, commented that “when protesters first started to sit/lay down on the bridge, police officers were quick to carry/drag a few of them to the pavement... This happened very quickly and seemed quite rough...”

K was also concerned that due to the international nature of a protest including many people who do not speak fluent English, and the fact that one officer’s translations into Spanish were not coherent, meant that “it wasn’t clear to me that they fully understood the warnings and options that were being given to them.” For example, protesters had understood they would not be arrested when releasing themselves voluntarily, and were surprised when they were arrested. Many refused to walk away when arrested and Legal Observer K “didn’t hear any of them being warned that refusing to walk might be considered as illegally resisting arrest and might carry an extra penalty.”

<sup>139</sup> COP26 bridge blockade by Scientist Rebellion 6/11/21 <https://youtu.be/gvV3Ffe8Prw>

<sup>140</sup>The Herald 8/11/21 [COP26: Scientist Rebellion protest at Glasgow King George V Bridge](#)

# ANALYSIS

## Was the policing of COP26 grounded in respect for human rights?

In advance of the COP26 Climate Conference in November 2021, Police Scotland made repeated promises that it would adopt a human rights-based approach to the policing of protests during the event, and it is against these pledges that this report has considered the testimony we have received.

Unfortunately, senior officers have been reluctant to exactly how they would assess if decisions they took during Operation Urram, or how this translated into actions of officers on the streets, had either respected or ignored the legal obligations that Police Scotland promised to comply with.

There are still no proper national guidelines from the National Police Chiefs Council on the policing of demonstrations: a draft document, severely criticised by human rights lawyers, was published in September 2019 but there has been no further progress in finalising it<sup>141</sup>. This is what prompted Netpol to consult with local and national campaigning organisations and to publish its Charter for Freedom of Assembly Rights in March 2021<sup>142</sup>.

As we note in the Background section of this report, efforts by Netpol to argue for the adoption of a proper benchmark – against which to assess public order policing in Glasgow alongside international human rights standards – were heard and rebuffed in October by senior officers at Police Scotland’s Independent Advisory Group (IAG) meeting for Operation Urram.

Instead, Police Scotland has effusively praised its own efforts at every opportunity. Yet, in the middle of COP26, an open letter to First Minister Nicola Sturgeon was published accusing the force of “heavy-handed and highly disproportionate” policing. This was signed by all three of the different climate coalitions, representing a wide range of opinion about the most effective protest tactics to highlight concerns about the direction of COP26.<sup>143</sup>

This, in our view, is not accountability. Human rights are based on principles and standards, without which it is impossible to decide whether the legal obligations of public bodies such as the police have been respected and adhered to. Although rights to freedom of assembly are qualified, meaning the police can restrict them in certain circumstances for the wider ‘public interest’, this is limited by duties in accordance with the Human Rights Act<sup>144</sup> and the need to only impose restrictions that are proportionate. This is precisely why independent examination of such decisions is so important – the more an individual’s rights are interfered with, the more it is necessary to justify why.

In advance of the Conference, Netpol proposed that the IAG used its Charter as a tool for this purpose. In light of the significant volume of evidence in this report challenging claims that a “human rights-based approach” was adopted to policing COP26, we have used it as a means of analysing the testimony we

<sup>141</sup> <https://netpol.org/2019/09/30/netpol-challenges-fundamental-misguided-major-review-of-protest-policing/>

<sup>142</sup> <https://netpol.org/charter/>

<sup>143</sup> COP26 Coalition, The Climate Coalition, Stop Climate Chaos Scotland 4/11/21 [Open Letter to Nicola Sturgeon on Policing at COP26](#)

<sup>144</sup> Human Rights Act 1998. <https://www.legislation.gov.uk/ukpga/1998/42/schedule/1/part/II/chapter/10>

received from protesters, Legal Observers and local people and the conclusions we have reached are as follows.

## Protesters felt kettling tactics were punitive and disproportionate

The use of containment (kettling) powers as a means of crowd control is controversial precisely because it treats individuals as collectively culpable for the actions of others and – as the testimony set out in the Issues Of Concern section of this report highlights – invariably denies people access to food, water, medication and toilet facilities for long periods.

This is why the Charter for Freedom of Assembly Rights recommends that “the use of police powers to collectively restrict the right to freedom of assembly is justifiable only in exceptional circumstances”. This is backed up by international human rights guidance. For example, the Venice Commission Guidelines on Freedom of Peaceful Assembly state that:

*“During assemblies, individuals should only be confined to designated areas in exceptional circumstances, such as actual or imminent violence, and where no other measure short of dispersing the assembly would resolve the issue. Strategies requiring assembly participants to remain in one confined area under police control (known as ‘kettling’ or ‘corralling’) should generally be avoided, as they do not distinguish between participants and non-participants, or between peaceful and non-peaceful participants.”<sup>145</sup>*

In a similar vein, the United Nations Human Rights Committee has identified that when kettling “is used indiscriminately or punitively, it violates the right of peaceful assembly, and may also violate other rights such as freedom from arbitrary detention and freedom of movement”.<sup>146</sup>

There were two significant uses of this tactic during COP26: at the Extinction Rebellion ‘Greenwash’ protest on 3<sup>rd</sup> November and during the main Global Day of Action demonstration on 6<sup>th</sup> November.

In the first incident, statements from protesters and Legal Observers<sup>147</sup> indicate police officers up to the rank of Inspector had said the kettling tactic was a response to earlier arrests where their colleagues had allegedly been injured. There were stories of aggressive policing and repeated indications that protesters were collectively categorised as a threat, whilst Police Scotland has misrepresented the hours people were held and unable to leave as a “short period”.<sup>148</sup>

Once the kettle was imposed, there was little concern for the welfare of those trapped inside it and no apparent interest in distinguishing whether individuals posed a sufficiently genuine public order threat that denying them the right to leave for medical reasons was proportionate.

Overall, the decision to kettle protesters caused far more disruption to Glasgow city centre than simply allowing the march to proceed, for reasons that appear, on the evidence, to relate solely to the arrest of

<sup>145</sup> European Commission for Democracy through Law (the Venice Commission), OSCE office for democratic institutions and human rights (OSCE/ODIHR) 2019. [Guidelines on Freedom of Peaceful Assembly](#). Paragraph 217

<sup>146</sup> Human Rights Committee, General Comment No. 37, “Article 21: Right of Peaceful Assembly”, UN Doc. CCPR/C/GC/37, 27 July 2020 ([General Comment 37](#)), Para 84.

<sup>147</sup> See pages 15-20.

<sup>148</sup> Police Scotland 03/11/2021 [COP26 - update on the policing of protests in Glasgow](#)



two people. These were not, in any way, “exceptional circumstances” – indeed, Police Scotland own public statements have sought to minimise their significance. This seems like exactly the kind of punitive and disproportionate response that indicates little consideration was given to people’s rights of assembly.

In the second incident, during one of the largest processions Glasgow has seen, a small number of protesters that police had decided to target for surveillance were isolated from the rest of the procession from the beginning, in an apparent attempt to prevent them from taking part in the demonstration at all. Eventually, they were kettled; for contradictory reasons that senior police have subsequently changed a number of times and which are contradicted by eyewitness statements from Legal Observers and other protesters.<sup>149</sup> The decision to use this tactic caused crushing, panic and according to one senior steward for the march, risked creating a far more dangerous situation had stewards not refused police demands to squeeze tens of thousands of other protesters through a small space around the kettle.

Many of those trapped inside the kettled area of the demonstration were minors. Based on the evidence we received, Police Scotland has subsequently misrepresented its efforts to make sure it considered the vulnerabilities of some of those who it had detained.

Police Scotland has itself said that these decisions were taken not because of the actions of individual protesters, but because of an intelligence assessment of the purported risk they collectively posed as a group. This, once again, is evidence of powers used indiscriminately or punitively with little concern for the human rights of either individuals wanting to march behind a shared banner or of the other protesters around them.

**This is why the Charter for Freedom of Assembly Rights also says: “although public assemblies are collective activities, protesters are individually rather than collectively responsible for their actions”.**

## **Anyone who looked like a protester risked having officers stop and search them**

This perception from campaigners that Police Scotland saw anyone who looked like a protester as a threat led, based on the testimony we received, to the widespread and unjustifiable use of stop and search powers.

Searches were undertaken, not in accordance with Police Scotland’s own guidance to stop people police reasonably suspect to possess an “illegal or harmful item”<sup>150</sup>, but instead targeted people perceived as potential protesters by police, to gather intelligence by unlawfully demanding personal details, and to disrupt protest activity by seizing protest-related items.

For example, two women were targeted solely for wearing Extinction Rebellion insignia,<sup>151</sup> and an international delegate was threatened with deportation by undercover officers for wearing the same. In another incident officers photographed the contents of someone’s wallet and phone. On a separate occasion, police seized someone’s bank card and failed to return it.

This was in contravention of the recommendation of the United Nations Human Rights Committee that:

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<sup>149</sup>See pages 21-26.

<sup>150</sup> <https://www.scotland.police.uk/about-us/police-scotland/stop-and-search/>

<sup>151</sup> This incident took place on 3<sup>rd</sup> of November and was reported by a witness.

*"Powers of 'stop and search' or 'stop and frisk', applied to those who participate in assemblies, or are about to do so, must be exercised based on reasonable suspicion of the commission or threat of a serious offence, and must not be used in a discriminatory manner.*

*The mere fact that authorities associate an individual with a peaceful assembly does not constitute reasonable grounds for stopping and searching them."*<sup>152</sup>

Protesters and non-demonstrators alike reported how police frequently used "obviously... fake reasons" for searching members of the public, from "walking too fast", "dilated pupils" (at night) and "ecoterrorism". Officers routinely undertook searches to look for "lock-on equipment" or other protest related items. This even extended to attempting to confiscate blank placards, paint pens, stickers and megaphones, as well as a wheelbarrow full of food and drink, with no justifiable grounds to do so.

Additionally, there were a substantial number of reports detailing concerning use of force and unnecessary physical restraint during such encounters. Despite Police Scotland's assertion that their officers will undertake searches with "fairness and respect",<sup>153</sup> a number of people reported being grabbed, pushed and physically restrained, sometimes by multiple officers at once.

## **Mutual aid officers were poorly briefed about their powers in Scotland**

There is considerable evidence that many mutual aid officers had little understanding of the difference between Scots law and powers in England and Wales. Mutual aid officers were regularly confused on their powers, telling protesters they "don't know" reasons for containment, or misusing powers for search and arrest.<sup>154</sup>

Police Scotland also seemed to have overestimated how many people would have the ability to travel to Glasgow during a global pandemic to protest during the Conference, frequently leaving mutual aid officers with little to do. With plans for 10,000 officers on duty every day, many were given time off, with some spotted paddling in the sea at North Berwick.<sup>155</sup> Frontline officers expressed frustration at not being able to return to their divisions in periods of downtime.<sup>156</sup>

One of the consequences was a number of reports of bored officers harassing members of the public and arbitrarily using stop and search powers.

Every incident where stop and search powers were used without justification has both a detrimental and potentially chilling effect on participation in the freedom to protest. Had the numbers of protesters not been constrained by travel restrictions resulting from the pandemic, the consequences of thousands of poorly briefed officers using powers unlawfully could have been much worse.

<sup>152</sup> Human Rights Committee, General Comment No. 37, "Article 21: Right of Peaceful Assembly", UN Doc. CCPR/C/GC/37, 27 July 2020 ([General Comment 37](#)), Para 83. Emphasis added.

<sup>153</sup> <https://www.scotland.police.uk/about-us/police-scotland/stop-and-search/>

<sup>154</sup> Further examples set out in pages 33-34.

<sup>155</sup> Edinburgh Live 9/11/21 [Dozens of off duty 'COP26 police' snapped 'paddling' on East Lothian coast](#)

<sup>156</sup> 1919 Magazine 8/12/21 [COP26: Reflections from the frontline](#)

Huge numbers of mutual aid officers from across Britain were deployed, but this does not make a lack of knowledge inevitable. **Police Scotland had an additional year to prepare for COP26 and a legal responsibility for every individual officer deployed under its command.**

The astronomical increase in use of Section 20 of the Police And Fire Reform (Scotland) Act 2012, the first legislation cited on a number of internal Operation Urram training documents, is particular evidence that mutual aid officers were not adequately briefed on their statutory search powers, or indeed, powers for arrest or containment.

## **During COP26, “Section 20” became a general, rather than an exceptional, justification for using police powers**

One of the potential outcomes of Operation Urram is that section 20 of the Police And Fire Reform Act 2012 becomes solidified as a general excuse for police officers to stop and search individuals and confiscate items based solely on a skewed perception that protests are exceptional events where the usual rules do not apply.

The use of Section 20 as a search power was highlighted in 2018 by the Scottish government’s Independent Advisory Group on Stop and Search as surrounded by “confusion and ambiguity”. The use of Section 20 as grounds to search catapulted from 0.31% of searches in the year April 2020 to March 2021, to one third of searches reported to Netpol through COP26.

This piece of legislation has previously been most commonly used to justify searches on the grounds of ‘protecting life’, however, during COP26, Section 20 was also used to justify kettling, arrest, intrusively filming arrestees, preventing Legal Observers from witnessing incidents, and attempting to seize protest related items.

This is concerning because there is an implication that this legislation is being used around protest without specificity, and has been used in a way that penalises people for, and actively discourages them from, exercising their human right to freedom of assembly and association.

**On these grounds, we recommend an urgent review of this legislation, and an independent investigation into its use through COP26.**

## **Protesters found police surveillance oppressive and intimidating**

Throughout COP26, protesters, Legal Observers, and members of the public reported excessive police surveillance that felt intrusive, distressing and intimidating. This intrusive surveillance was not only potentially unlawful, in the case of attempting to force kettled people to allow themselves to be photographed and filmed in exchange for their freedom, but it also may amount to breaches of protesters human rights.

The Venice Commission strongly advocate against routinely and overtly film and video at almost all public assemblies, except in specific circumstances and where specifically authorised:

*“Overt and covert surveillance of assembly participants should be strictly regulated and should follow a published policy. Digital images of organisers and participants in an assembly should not be recorded, except where specifically authorized by law and necessary in cases where there is probable cause to believe that the planners, organizers or participants will engage in serious*

*unlawful activity. In general, intrusive overt or covert surveillance methods should only be applied where there is clear evidence that imminent unlawful activities, such as violence or use of fire arms are planned to take place during an assembly.*<sup>157</sup>

Despite this, Police Scotland consistently filmed crowds, speakers, protesters, Legal Observers and locals intrusively, with one evidence gathering officer ominously telling kettled protesters “we have plenty of time to get your faces”. This was particularly targeted at racialised groups, including a group of Muslim protesters who appeared particularly uncomfortable and one woman of colour speaking at a migrant’s rights demonstration, while police ignored her white counterparts. Legal Observer D explained how all of their notes are “full of evidence gathering team[s] constantly filming people”.

The Venice Commission guidelines strongly assert that “*the use of digital image recording devices by law enforcement officers during a public assembly may have a ‘chilling effect’ on freedom of assembly and curtail the exercise of this right.*”<sup>158</sup> It says that gathering and retaining information “*on assembly participants in the absence of a concrete criminal investigation constitutes an interference with the participants’ rights to freedom of assembly and privacy.*”

It adds:

*“States should therefore refrain from using surveillance tools to track (or less still, persecute) persons taking part in assemblies and protest actions. Such technologies include police video recordings and facial recognition tools, surveillance of the Internet portals and social media sites used by activists and identification of a person’s whereabouts through location tracking (to establish attendance at a demonstration or rally).”*<sup>159</sup>

UNHRC General Comment 37 reinforces protection of the right to privacy:

*“The mere fact that a particular assembly takes place in public does not mean that participants’ privacy cannot be violated. The right to privacy may be infringed, for example, by facial recognition and other technologies that can identify individual participants in a crowd. The same applies to the monitoring of social media to glean information about participation in peaceful assemblies.”*

It is based on this guidance that the Charter for Freedom of Assembly Rights asserts that “**choosing to take part in a public assembly is not an invitation to surveillance and denial of privacy**”. It adds:

*“The police must ensure and guarantee the right to privacy. There should be strict limitations, genuine safeguards and specific prohibitions on the police’s use of surveillance tools to track individuals organising or taking part in protests.”*

## Police Scotland appears to have little tolerance for Legal Observers

Throughout COP26, police frequently treated Legal Observers with contempt and with a demonstrable lack of understanding of the role and importance of independent monitoring of policing of public assemblies. Officers regularly obstructed viewpoints, and made Legal Observers move away from incidents they were observing. In a number of incidents, police unlawfully demanded the personal details of Legal Observers and acted aggressively and threateningly towards them. This included Legal Observers

<sup>157</sup> The Venice Commission, OSCE/ODIHR. 2019. [Guidelines on Freedom of Peaceful Assembly](#). Paragraph 172.

<sup>158</sup> Ibid.

<sup>159</sup> Ibid. Paragraph 71.

routinely being followed “very closely” across the city, being stopped and searched, threatened with arrest and cornered by multiple officers.

The Venice Commission guidelines state that *“the right to be physically present in order to observe a public assembly is part of the general human right to receive and impart information (a corollary of the right to freedom of expression)”*<sup>160</sup> and adds:

*“Individuals and groups should be permitted to operate freely in the context of monitoring assemblies, and the exercise of the right to freedom of peaceful assembly. State authorities should not prevent monitoring activities, irrespective of whether an assembly has complied with the requisite notification requirements, or whether it is peaceful or not.”*<sup>161</sup>

On the use of police powers directed towards independent monitors, the guidelines also recognise that:

*“Monitors are observers of, rather than participants in, an assembly. In principle, therefore, dispersal orders directed at assembly participants should not oblige monitors to leave the area (unless their individual safety is endangered)”*<sup>162</sup>

UNHRC General Comment 37 also confirms that independent monitors of assemblies have a “particular importance for the full enjoyment of the right of peaceful assembly” and specifically adds:

*“They may not be prohibited from, or unduly limited in, exercising these functions, including with respect to monitoring the actions of law enforcement officials. They must not face reprisals or other harassment, and their equipment must not be confiscated or damaged. Even if an assembly is declared unlawful or is dispersed, that does not terminate the right to monitor.”*<sup>163</sup>

This is why the Charter for Freedom of Assembly Rights says **“Independent monitoring of the policing of protests is essential for defending the right to organise and participate in public assemblies”**. It adds:

*“The police must ensure that independent monitoring of protests is treated as particularly important to the full enjoyment of assembly rights and ensure that even if a protest is declared unlawful, the right to monitor the actions of the police is not restricted.”*

## Protesters complained that policing was often unnecessarily aggressive

As outlined in particular detail in the sections of this report covering kettling and the use of stop and search powers, throughout COP26, Netpol received a significant volume of evidence of aggressive policing. This was not the exception, but a persistent theme. Locals described the heavy police presence as feeling like an “occupation” and witnesses reported officers behaving in hostile and aggressive ways towards protesters and bystanders alike.

During both notable containments on the 3<sup>rd</sup> and 6<sup>th</sup> November, officers were described by witnesses as violent and threatening. Not only disregarding “the risk of injury and panic they were generating in the crowd”, police were quick to respond with violence towards those who fell or were pushed in the kettling crushes, punching, shoving and grabbing one female protester by the throat, with an 18 year old woman being punched in the face unprovoked. Another young protester was punched in the stomach.

<sup>160</sup> The Venice Commission, OSCE/ODIHR. 2019. [Guidelines on Freedom of Peaceful Assembly](#). Para 204.

<sup>161</sup> Ibid. Para. 207.

<sup>162</sup> Ibid. Para 208.

<sup>163</sup> Human Rights Committee, General Comment No. 37, “Article 21: Right of Peaceful Assembly”, UN Doc. CCPR/C/GC/37, 27 July 2020 ([General Comment 37](#)), para. 30.



This aggressive behaviour included Protest Liaison Officers, who are ostensibly “there to help facilitate peaceful protest”,<sup>164</sup> but were on a number of occasions throughout COP26 identified as behaving in a threatening and intimidating way, including shoving and grabbing at protesters unprovoked.

Officers also used vehicles in an unsafe and aggressive way, with police on motorbikes driving unsafely to force crowds back and hitting one Legal Observer’s boot, and an officer driving a police car mounting the curb at speed, narrowly avoiding a pedestrian.

As UN General Comment outlines:

*“States have an obligation to investigate effectively, impartially and in a timely manner any allegation or reasonable suspicion of unlawful use of force or other violations by law enforcement officials, including sexual or gender-based violence, in the context of assemblies. Both intentional and negligent action or inaction can amount to a violation of human rights.”<sup>165</sup>*

**Therefore, we encourage an urgent investigation into the use of force and violence by police against peaceful protesters during COP26.**

## What should happen next?

The testimony and evidence we have managed to gather and collate for this report in the weeks after COP26 tell a very different story from the largely self-congratulatory version of events presented by senior officers from Police Scotland.

They also challenge the claims that Operation Urram involved a human rights-based approach to the policing of protests during COP26. In the aftermath of the Conference, simply asserting that such an approach was successful – without any means of objectively testing such claims against human rights standards and obligations – is little more than a way of deflecting proper scrutiny and this in turn has a consequence for the future exercise of rights to assembly in Scotland.

Protecting the right to assembly is essential to creating a tolerant and democratic society and obliges the police to refrain from adopting vaguely defined “public order” justifications to limit this right. As the United Nations Human Rights Committee in General Comment 37 reasserted in 2020:

*“...given that peaceful assemblies often have expressive functions, and that political speech enjoys particular protection as a form of expression, it follows that assemblies with a political message should enjoy a **heightened level** (Emphasis added) of accommodation and protection”.*<sup>166</sup>

Attempts to bury the negative experiences in this report under the language of ‘human rights compliance’ would mean ignoring the importance of ensuring that organising and participating in assemblies that express a political message must enjoy this heightened level of protection.

<sup>164</sup> <https://www.scotland.police.uk/what-s-happening/events/cop26-home/protest/>

<sup>165</sup> Human Rights Committee, General Comment No. 37, “Article 21: Right of Peaceful Assembly”, UN Doc. CCPR/C/GC/37, 27 July 2020 ([General Comment 37](#)), para. 90.

<sup>166</sup> Ibid. paragraph 32

There are wider lessons, too, from the evidence we have gathered, about the way that major “mutual aid” deployments are conducted and in particular when they involve the notable difference between legislation and practices in Scotland versus England and Wales.

There are important questions about the sheer volume of officers deployed during COP26 and whether this was genuinely in response to alleged threats of disorder or instead an exercise in intelligence gathering on climate movements (driven by the use of stop and search), with little regard to the ‘chilling effect’ this could have on exercising the right to freedom of assembly.

Campaigners in Scotland have also expressed their concern that the ambiguity about Section 20 as a search power needs urgent clarification before it becomes – as it was during COP26 – normalised.

**We believe to address the multitude of concerns that this report raises, the way forward is for the Scottish Parliament to conduct its own, thorough independent investigation of the policing of the COP26 Conference.**



*The Global Day of Action protest, 5 November 2021. Photo: Shutterstock*

## CONCLUSION

A significant body of evidence received by Netpol regarding the policing at COP26 has revealed a number of issues of concern. Several of these areas not only indicated failures to protect and facilitate human rights, but in fact may amount to breaches of international human rights guidelines and equality law. These issues of concerns are, as follows:

**Kettling peaceful protesters, including vulnerable and disabled people** for hours without access to food, water, appropriate clothing, medication or toilets. Justifications for kettles were contradictory on the ground, and were changed by senior Police officials afterwards. Protesters felt these tactics were punitive and disproportionate, and significant force and violence was used.

*The refusal to provide toilets, or allow exit to receive medical care for disabled people potentially contravenes the Equality Act 2010.*

**Discriminatory policing**, including disproportionate surveillance, obstruction of peaceful protests, and use of force for an arrest under the Mental Health Act. The threat of deportation used against one international delegate for wearing an Extinction Rebellion logo is of particular concern.

*Discrimination on the grounds of protected characteristics such as race or religion potentially breaches the Equality Act 2010.*

**Excessive and seemingly arbitrary use of stop and search**, particularly targeted anyone who appears to be a protester. The blanket use of Section 20, in the absence of appropriate statutory powers, as a search,

arrest and containment power was also clear and is particularly concerning because of the implication that it is being used around protest without specificity.

*This contravenes UNHRC guidelines that "The mere fact that authorities associate an individual with a peaceful assembly does not constitute reasonable grounds for stopping and searching them."*<sup>167</sup>

**Surveillance and Harassment** was a persistent theme throughout COP26. Stop and search was used to gather intelligence in contravention of Police Scotland's Code Of Practise. Bystanders, protesters and Legal Observers were subject to "intrusive" filming, harassment and being followed around Glasgow. Evidence Gathering Teams unlawfully attempted to force kettled protesters to remove their masks in exchange for their freedom.

*This directly contradicts The Venice Commission Guidelines that "States should... refrain from using surveillance tools to track (or less still, persecute) persons taking part in assemblies and protest actions."*<sup>168</sup>

**The impact of policing on Glasgow residents** was significant, some describing it as like an "occupation", and feeling under threat by "activated [police]... ready to escalate quickly". Many locals were subject to harassment, stop and search, caught up by violent kettling tactics, prevented from carrying out their caring duties or forced to re-route down perceived unsafe routes, particularly lone women forced to walk through the unlit Kelvingrove Park on the 1<sup>st</sup> November.

*A threatening police presence and closure of safe routes for lone women that limited free movement (due to perceived threat) may violate the Public Sector Equality Duty under the Equality Act 2010.*<sup>169</sup>

**The treatment of Legal Observers** frequently involved contempt and hostility, as well as a fundamental misunderstanding of the role of Legal Observers for protecting the human right to freedom of assembly. This involved a resistance from officers to public accountability by concealing or failing to wear identifying numbers, blocking observers from witnessing incidents, threatening them with arrest and subjecting them to surveillance, following and harassment.

*The attempt to prohibit Legal Observers from witnessing incidents contravenes UNHRC guidance that "State authorities should not prevent monitoring activities".*<sup>170</sup>

**Aggressive Policing** was noted throughout the conference. Officers, including Police Liaison Officers were quick to use force and violence against passers-by and protesters, particularly when attempts are made to record police actions and during both kettles. Reports detail officers punching, grabbing, shoving, undertaking particularly forceful arrests and dragging 'locked-on' protesters who were chained by the neck. In multiple instances, officers have to be restrained from physical aggression by other police.

*UNHCR General Comment 37 outlines that "any failure to investigate effectively, impartially and in a timely manner any allegation or reasonable suspicion of unlawful use of force or other violations by law enforcement officials" can amount to violation of human rights.*<sup>171</sup>

<sup>167</sup> Human Rights Committee, General Comment No. 37, "Article 21: Right of Peaceful Assembly", UN Doc. CCPR/C/GC/37, 27 July 2020 ([General Comment 37](#)), Para 83. Emphasis added.

<sup>168</sup> Ibid. Paragraph 71.

<sup>169</sup> Scottish Government, 2013. [Public Sector Equality Duty Implementation of Scottish Specific Duties: Views from public authorities](#)

<sup>170</sup> Human Rights Committee, General Comment No. 37, "Article 21: Right of Peaceful Assembly", UN Doc. CCPR/C/GC/37, 27 July 2020 ([General Comment 37](#)), para. 30.

<sup>171</sup> Human Rights Committee, General Comment No. 37, "Article 21: Right of Peaceful Assembly", UN Doc. CCPR/C/GC/37, 27 July 2020 ([General Comment 37](#)), para. 90.

Throughout the conference and in the weeks following, Police Scotland have made statements and assertions that are plainly refuted by the evidence used to compile this report. This is particularly concerning because ACC Bernard Higgins has revealed that Operation Urram is to be used as a benchmark for several upcoming major events: senior officers from the Metropolitan Police and the Gold Commander for the 2022 Commonwealth Games attended to observe and learn from Police Scotland's approach.

**We urgently recommend, therefore, in line with international human rights guidelines and equality law:**

1. An effective, impartial investigation into the policing of the COP26 Conference, including Police Scotland's apparently false and misleading public statements about a number of incidents.
2. In line with IAGSS recommendations made in 2018, we encourage an urgent review on the use of Section 20 as a search power, and as a power in relation to protest in general.



**THE NETWORK FOR POLICE MONITORING  
THE ARTICLE 11 TRUST**