

The Chief Constable
West Midlands Police
Lloyd House
Colmore Circus
Birmingham
B4 6NQ

E-mail:

Our Ref: TE/JT/1404.2

Your Ref:

Date: 27 May 2008

Dear Sirs

Incident on Alum Rock Road
19th February 2008

We act for Arthur Cunningham of [REDACTED], Birmingham and Joseph Abraham, Pastor of Grace Bible Fellowship Church, Saltley, Birmingham. Our clients are committed Christians and are engaged in full time ministry work in the Birmingham area.

On 19th February 2008 at around noon our clients were at the corner of Ellesmere and Alum Rock Road handing out Christian tracts. Our clients approached four local Asian youths (who we understand are known locally as the Jackson boys) and began speaking to them. One of the youths took a tract. The youths started to ask a lot of questions about our clients' religious beliefs. Though the youths were getting excited, our clients calmly showed them the Bible answer to their questions. During the conversation a police officer, PCSO Naguthney (30825) came over, interrupted the conversation and began questioning our clients about their beliefs.

Realising our clients were from America, PCSO Naguthney began asking about George Bush and the war in Afghanistan and the death of innocent civilians. The officer's manner was aggressive and threatening and he spoke in a raised voice. Mr. Cunningham said that this had nothing to do with the Gospel he was preaching. The officer replied that our clients needed to preach the Gospel to President Bush. Mr. Cunningham said that the Gospel needed to be preached everywhere. PCSO Naguthney warned our clients that they could not preach the Gospel in Alum Rock Road as it was a Muslim area.

Mr. Cunningham told PCSO Naguthney that he had the right to preach in Alum Rock Road. The officer said that our clients were committing a hate crime by telling the youths to leave Islam. The officer then said that he was going to take our clients in to the police station. The officer radioed to his colleagues to ask for assistance. PCSO Naguthney asked for Mr. Cunningham's details. He gave his name but refused to give him his address as the officer's manner was threatening and intimidating and he

feared that there may be reprisals against him and his family if details as to where he lived was known.

PCSO Naguthney continued to argue with our clients and said that there were ten versions of the Bible and nine of them had been burnt and asked why that was. Mr. Cunningham said that this was not true. The officer maintained that it was true. Our client replied that perhaps the story came from the way the Koran was put together. At this point the officer stopped our client and warned him not to say anything else about the Koran.

To diffuse the situation our clients left the area and made their way west down Alum Rock Road. PCSO Naguthney called out to our clients that other officers were coming. Two other officers arrived; PCSO Ali and PC Loi. Mr. Cunningham spoke to PCSO Ali and asked if PCSO Naguthney was allowed to treat them in the way he had done. PC Loi advised that it might be wiser if they did not come back to Alum Rock Road.

The three officers started to walk away and PCSO Naguthney turned around and said "You have been warned. If you come back here and get beat up, well you have been warned".

We understand that following the incident Mr. Cunningham made a formal complaint against the conduct of the officers and a meeting took place with Inspector Karen Hansen on 10th March 2008 at Queen's Road Station. At the meeting Inspector Karen Hansen indicated that the West Midlands Police would not give our clients a letter of apology but that the police officer would be given verbal advice for his pocket notebook and receive training in understanding hate crime and communicating with the public.

We have been handed a copy of a letter dated 16th April from Superintendent S Manku to Mr. Cunningham (copy enclosed). The letter states that the officers involved have submitted written reports about the incident. We would ask that you let us have a copy of the written reports. From the letter it appears that Inspector Hansen has spoken to PCSO Naguthney and that advice has been given to him which has been recorded in his pocket notebook. As will be clear from what our clients have said about the incident they do not accept your findings and intend to take the matter further.

Our clients have a right under the Human Rights Act 1998 to manifest their religion or belief and of freedom of expression without any unlawful interference by a Public Authority. The conduct of the police officers infringed our clients' convention rights under the Human Rights Act 1998. In particular, Article 9 (freedom of religion) and Article 10 (freedom of expression). The actions and words used by the officers were intimidating and were calculated to warn and/ or frighten our clients and to have the effect of deterring our clients from lawfully expressing their opinions and manifesting their beliefs and to have a chilling effect on the exercise by them of their right to manifest their beliefs and to freedom of expression. Our clients were left with the understanding that they could not express their religious beliefs in Alum Rock Road without committing a hate crime.

The officers by acting in the manner set out above, acted incompatibly with our clients' convention rights, contrary to Section 6 (1) of the Human Rights Act. The officers interfered with our clients' right to manifest their beliefs and their right to freedom of expression.

The interference was not prescribed by law and the acts done by the officers were not lawful. In particular, the interference was not undertaken in pursuit of any legitimate aim as set out in Article 9 (2) or 10 (2) of the convention nor was the interference necessary in a democratic society.

We have advised our clients that they are entitled to bring a claim against you for breach of their convention rights under Section 6(1) of the Human Rights Act 1998.

In the circumstances, our clients are seeking the following remedies:

1. A full and unreserved written apology and recognition that our clients' convention rights were infringed by the conduct of the police officers.
2. Damages
3. Our clients' reasonable legal costs.

There is as yet no formal pre-action protocol for claim of this nature. In such cases the Court will expect the parties, in accordance with the overriding objective to act reasonably in exchanging information and documents relevant to the claim and generally in trying to avoid the necessity to start of proceedings (paragraph 4.1 of the Protocol Practice Direction). This letter is written in the spirit.

In the accordance with the overriding objective please acknowledge receipt of this letter within 7 days of the date of this letter followed by a full written response 14 days thereafter.

If we do not hear from you within this time we have instructions to issue court proceedings against you without further notice.

We look forward to hearing from you.

Yours faithfully

AUGHTON AINSWORTH