| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 24-0558Responded to: xx March 2024 |
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Your recent request for information is replicated below, together with our response.

## On 3rd February 2024 whilst walking to bus stop on Union Street, Aberdeen I passed a Pro Palestinian anti Barclays Bank demonstration which I estimated to be in region of 50 individuals being watched by two of your uniformed officers. My concern was that they had blocked the entrance to Barclays Bank which I believe if I had been a Barclays customer (I am not) would have been very intimidating.  There was also what appeared to be a trans woman on a microphone encouraging the chant “Palestine will be free from the river to the sea” […..]

## What action if any was taken by Police Scotland?

‘A’ Division officers have been policing protests at this location since early December 2023 and whilst all officers are reminded of their obligations in terms of the prevention and detection of crime and maintaining order, the overriding principle is the *facilitation of peaceful protest*, in accordance with Articles 10,11 and 14 of ECHR.

The responsibilities of the police in such circumstances extend not only to taking positive action to protect these rights and freedoms, but also includes a failure to act or to take steps to protect them.

In general terms, such rights can only be interfered with where action is prescribed by law, and is necessary in a democratic society for one of the following reasons;

* National Security
* Territorial integrity
* Public Safety
* Preventing disorder/crime
* Protecting health
* Protecting morals
* Protecting the rights of others

Having reviewed the debrief report and associated incident for this date in particular, no such criteria was observed or experienced during the protest and as such no police enforcement required.

## Is obstructing entry to a commercial premises an offence?

In terms of policing protest, the initial standpoint is the facilitation of *peaceful protest* and as such discretionary powers are used to manage minor offending when balanced against police intervention causing an escalation and potential disorder.

Whilst an offence of obstruction does exist, in respect of these protests at this location, Barclays Bank management at this location have extensively engaged with the protest group and demonstrated their willingness to facilitate their presence at this location.

Any hindrance of customers is prevented by dialogue and as such staff are yet to experience any prevention of customers utilising the bank. Naturally, Police are present during the protests to ensure no offences are committed or any wider infringement on the rights of the wider public, protest group or Barclays Bank takes place.

## Is in Police Scotland opinion encouraging chant “Palestine will be free from the river to the sea” a threatening chant. If not how / in what context do Police Scotland consider it positive.

In terms of Section 8 of the Freedom of Information (Scotland) Act 2002, information which requires opinion in essence is not a valid request; it would be subjective on my part to respond in respect of this element of your request.

In more general terms, Police Scotland recognises that the conflict will be a source of concern and anxiety for all affected communities, as well as the wider public, and sensitivity should be used when dealing with associated incidents or complaints. Each scenario requires to be dealt with on its own merits.

Any phrase or chant at a protest must be assessed in context; no definitive stance can be taken. If a phrase is deemed illegal, criminal or hateful in nature, or context makes it as such, appropriate and necessary action will be taken by police. Context is crucial for a justifiable and fair assessment.

If you require any further assistance please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by email or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](http://www.itspublicknowledge.info/Appeal), by email or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.