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Fitwatch: Did the Police Overstep their Authority?

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Few will have missed the news that the site Fitwatch was [taken offline at the request of the police](#). The site has called it a “pathetic attempt” and many have criticised the move as censorship. The Police, for their part, claimed that the site was “attempting to pervert the course of Justice”.

So which argument is correct? Did Fitwatch slip up, or have the Police attempted to suppress a critical voice?

Fitwatch

There's little doubt that Fitwatch crossed a line in their [post](#). Not only did they advise participants of the Milliband protest to discard their clothes, they also hinted that lying could be a good defence.

DONT assume that because you can identify yourself in a video, a judge will be able to as well. 'That isn't me' has got many a person off before now.

If you accept that this is an incitement to perjury, the authors have clearly strayed from the safe path of “offering legal advice”. The statement seems to be pretty self-explanatory so we'll assume that Fitwatch was indeed advising participants to lie under oath.

The site has also advised readers to change their appearance in order to help evade detection. At worst, this is a grey area. It would be a *very* different society if you could be arrested for telling someone to shave their head!

DO think about changing your appearance. Perhaps now is a good time for a make-over. Get a haircut and colour, grow a beard, wear glasses. It isn't a guarantee, but may help throw them off the scent.

The Police

We'll give the Police the benefit of the doubt and assume that the content Fitwatch posted was actually "attempting to pervert the course of justice".

Even with this concession, did the Police overstep their bounds? Why were they able to have Fitwatch taken down without recourse to a court?

A Complicated Matter

This is where the issue starts to get complicated. In asking the hosting provider to take Fitwatch offline, the Police did nothing (legally) wrong. The Hosting provider did not need to comply, and could have refused to suspend the account until they were issued with a court order.

The problem, for the webhost, is an issue of publicity. Violent protests have been rebranded by the Police as "Domestic Extremism", a phrase which in most minds surely conjurs up images of terrorists. As the Web Host, would you want to be portrayed as supporting "Domestic Extremism"?

Ultimately, it's up to the Webhost to decide who they do business with. If they suspect criminal activity, they are free to suspend the account and report it. Some will say that JustHost were a little overenthusiastic in this case, others will say they are justified. The fact remains that it's entirely their choice;

The problem lies elsewhere

The cause of the problem lies in UK Law. The Police should **not** be allowed to request that a site be taken offline at all. Procedures exist to have a 'takedown' ordered by the Judiciary, this should be the only recourse available to any arm of the Government. Any other arrangement poses too great a risk of abuse.

Whilst Freedom of Speech must be protected, it would be naive not to admit that true Freedom of Speech does not exist (as such) in the UK. As a society we tolerate certain restrictions for a variety of reasons, but the key difference between this and the MET's actions is highlighted in this example;

In the UK you are perfectly at liberty to shout "FIRE" in a crowded theatre. We all accept, however, that we must accept responsibility for the consequences of doing so. This is the level of Freedom of Speech that we enjoy in the UK, there are certain things that we understand should not be said. Nothing, however, actually prevents us from saying these things (and yes, there are exceptions)

What the MET tried to do is to prevent Fitwatch from saying what they wanted. Or, to be more accurate, they tried to prevent you from 'listening'.

This cannot be tolerated, the Police cannot and should not have the power to arbitrarily restrict the individual right to free speech. As we saw above, it's quite possible that Fitwatch did cross a line, but it should not be in the Police's power to act against this directly. They should be required to ask a court to order the takedown.

When a court makes a decision, it is a matter of public record. If the Police make such a decision there's no guarantee that the reasoning will be fully recorded.

Conclusion

Although Fitwatch probably crossed the line between legal advice and encouraging illegal actions, the action taken by the Police is less than exemplary. What's too stop a conservative Police officer from requesting the takedown of a website he disagree's with? How is the Webhost to know whether the request is one which should be enacted? Far more accountability is available when the decision is made by a court.

In reality, all the effort put into this by the Police has done but one thing: opened them to criticism. Fitwatch is back, on new webhosting, and is carrying further details of the move [here](#).

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Tags: [censorship](#), [Fitwatch](#), [Freedom of Speech](#), [Internet](#), [JustHost](#), [perjury](#), [Police](#), [Takedown](#), [webhosting](#)

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- [Countries](#) (59)
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 - [Australia](#) (2)
 - [Burundi](#) (1)
 - [Cambodia](#) (1)
 - [China](#) (7)
 - [Columbia](#) (1)
 - [Cuba](#) (2)
 - [Egypt](#) (1)
 - [France](#) (1)
 - [Gaza](#) (2)
 - [Iran](#) (1)
 - [Iraq](#) (1)
 - [Israel](#) (2)
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- [Madagascar](#) (1)
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- [Pakistan](#) (2)
- [Russia](#) (1)
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- [Singapore](#) (1)
- [South Africa](#) (3)
- [Sri Lanka](#) (1)
- [Sudan](#) (1)
- [Syria](#) (1)
- [Tunisia](#) (1)
- [Turkey](#) (2)
- [United Kingdom](#) (20)
- [USA](#) (8)
- [Informational](#) (4)
- [Issues](#) (44)
 - [Access to Medicine](#) (14)
 - [Capital Punishment](#) (4)
 - [Freedom of Speech](#) (18)
 - [Gay Rights](#) (2)
 - [Other Issues](#) (11)
 - [Religion](#) (4)
- [News](#) (23)
- [Organisations](#) (28)
 - [Amnesty International](#) (8)
 - [Freedom4All](#) (18)
 - [Guest Writers](#) (13)
 - [Human Rights Watch](#) (1)
 - [International Crisis Group](#) (1)
- [Uncategorized](#) (1)

• Archives

- [November 2010](#)
- [October 2010](#)
- [September 2010](#)
- [August 2010](#)
- [July 2010](#)
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