

It is now more than one year since London-based artist and Royal Academician Rod Dickinson was arrested in September 2011 for perpetrating what was alleged to have been his latest 'art work': a real-time, real-world, 10<sup>th</sup> anniversary mass-re-enactment of Bristol-born 'net art' pioneer and cultural nomad Heath Bunting's arrest on September 7<sup>th</sup> 2001 for possession of a bladed article.

The unlikely 'venue' for the alleged re-enactment was to be Lunar House<sup>1</sup> – known to a handful of architecture aficionados as Croydon's brutalist masterpiece; to others as the headquarters of the UK Home Office's Border X-ing<sup>2</sup> and Immigration Agency. The project was managed by an off-shore commissioning agency 'Nonexistent Productions' based in Gibraltar, who licensed the concept of the work plus execution of ticket sales, publicity, audience-logistics etc. to London's Rebel Art Centre (RAC) for a standard split of box office takings.

The re-enactment was entitled, simply, *Stateless*; possibly as a nod to artist and Ambient TV co-

<sup>1</sup> <http://www.geograph.org.uk/photo/21866>  
<sup>2</sup> [http://rational.org/health/borderxing\\_exercise/](http://rational.org/health/borderxing_exercise/)

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such I would be transferred to the custody of the Detained Fast Track Team at Yarl's Wood.<sup>15</sup>

In what may have seemed like a poetic echo of the gender segregation operating during parts of Dickinson's *Nocturn*, male and female audience members were separated at this point. Female participants-turned-applicants were transferred to the Detained Fast Track facility at Yarl's Wood, and male participants-turned-applicants to the Detained Fast Track facility at Harmondsworth.

The anonymous account continues: 'I was informed that I would be interviewed on day two, served with a decision on day three, [have] two days to lodge any appeals, and the appeal hearing on day nine. I was told that Asylum applicants are detained throughout any appeals they make, until they are removed from the UK or given refugee status, humanitarian protection or discretionary leave. That I would have access to the duty legal representative scheme [...] that is run by the Legal Services Commission. [I was told that] there are courts onsite where fast track appeals and applications for bail are heard.<sup>15</sup>

<sup>15</sup> Adapted from 'DFT Information Sheet 18.10.06', [www.biduk.org/pdf/Fast%20track/DFT\\_information\\_sheet\\_18\\_10\\_06.doc](http://www.biduk.org/pdf/Fast%20track/DFT_information_sheet_18_10_06.doc)

She was lucky. As is well documented in UK and international press, characterisation of the event as a 'terrorist incident' resulted in the subsequent lockdown of Lunar House and the the deployment of all available armed police units. A same-day security sweep of the building resulted in 350 arrests under section 139 of the Criminal Justice Act, and the confiscation of in excess of 1,000 weapons ranging from lethal-looking 16-inch guillotine blades, letter openers, box-cutters, screw-drivers and multi-tools. Of those detained, almost 300 were revealed to be Home Office personnel – including the entire I.T. and maintenance staff of Lunar House.

It is believed that all Rebel Art Centre audience members detained (49 of the 57 ticket-bearing members of the public logged as being present for the coach journey from the RAC to Croydon) were freed within a week, following the retrieval by Metropolitan Police officers of their i-D materials from a locked storage cupboard at the RAC premises on Great Ormond Street.

their way to the RAC by bus, tube and car from across the capital and beyond, one can well imagine that this mystery might have dominated conversation. It may well have become a significant source of pre-show jitters for most; and not without reason. Anyone who has read an art magazine – let alone Sir Julian Stallabrass's authoritative monograph<sup>3</sup> – in the past ten years would know that Dickinson's previous works – such as 'Nocturn: The Waco Re-enactment' which was 'staged' at a remote sports stadium in Essex,<sup>4</sup> – have involved strictly applied rules that e.g. audience members be separated by gender and required to fill in coercive and baffling questionnaires en route to the 'performance'. In the case of 'Nocturn', failure to complete the task meant the hapless punter risked forfeiting their right to attend the 'show', with the attendant risk of their being stranded in some semi-derelict light-industrial no-man's land somewhere on the M25.

founder Manu Luksch's 2007 sci-fi fairy tale *Faceless*. As with Luksch's film, Dickinson's 'work' was carefully choreographed and scripted to maximise CCTV camera exposure and thus the amount of surveillance footage that would be reclaimable under the byzantine terms of the now revised Freedom of (Customers to Request) Information Act 2010. According to copies of correspondence between Nonexistent Productions and the RAC, Dickinson's plan was understood to include a wish to edit together any footage that was so salvaged, in order to document the work for niche interest screenings at microplexes across the country.

Dickinson was to be joined in this re-enactment by two coach parties of ticket-buying art lovers, who were instructed to meet outside London's Rebel Art Centre at 9am that morning. This was to be a participatory performance, and audience members had been forced to agree as a condition of ticket purchase that they would complete a number of preparatory tasks upon arrival at the RAC, before being permitted to proceed to what staff still insisted upon calling 'the show.' What these tasks might have been was not made explicit before the day. For the sellout audience of 80 people making

College, Cambridge Art and Law Seminar: Interdisciplinary and New Media Arts, October 2007, which was commissioned by King's College, Cambridge.  
 The *Balkanising Bloomsbury* project has been supported by Arts Council England through Grants for the Arts, by the UCL School of Slavonic and East European Studies (SSEES) and the Leverhulme Trust.  
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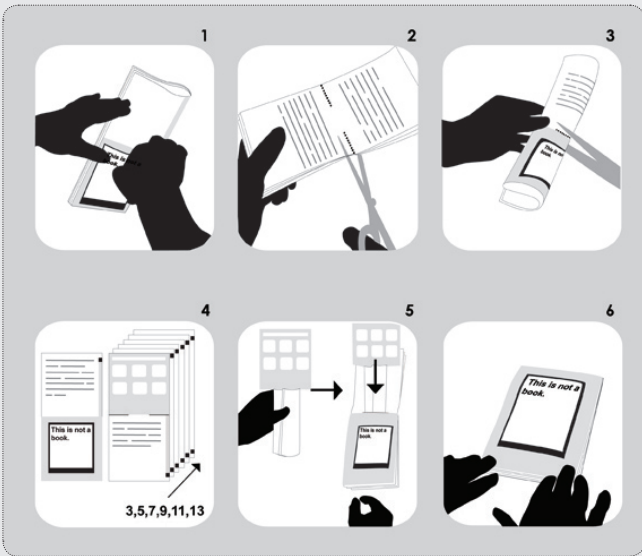
### The Lunar House 'Re-enactment'

**Tony White**

2009-07-30

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Prevention of Terrorism Act 2005 (c. 2), Office of Public Sector Information.  
[http://www.opsi.gov.uk/acts/acts2005/ukpga\\_2005002\\_en\\_1](http://www.opsi.gov.uk/acts/acts2005/ukpga_2005002_en_1)  
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<http://www.ipit-update.com/passingoff.htm>  
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Home Office Border and Immigration Agency, 'Making an application at Lunar House',  
<http://www.ind.homeoffice.gov.uk/contacts/publicenquiryoffices/croydon/makinganapplicationatlunar>  
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Instruction,  
<http://www.ind.homeoffice.gov.uk/lawandpolicy/tastrackflexibilitydocument>  
 Page no longer current. Accessed 30 November 2007

Kate Rich, 'Letter for Heath Bunting, regarding his arrest on September 7 2001 for possession of a bladed article'. *In defence of the tools of my trade*, Heath Bunting, 2001.  
<http://www.irational.org/heath/knife/letters/kate.html>  
 Accessed 27 July 2009

Tate, 'Rebel Art Centre', *Tate Collection Glossary*. Undated.  
<http://www.tate.org.uk/collections/glossary/definition.jsp?entryId=633>  
 Accessed 27 July 2009

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'The Lunar House "Re-enactment"' forms part of a report on the Arts Council England and King's

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soothing tones as they carefully placed each person's i-D suites into a box that was then taped shut, marked with their name and labeled with a paper raffie ticket bearing a 3-digit number. Finally the receptionists invited them to participate in a gratuitous but presumably reassuring procedure involving string and sealing wax, before handing them the corresponding ticket, torn from the same book as the numbered box label, that was to act – perplexingly for some – as a retro-styled, analogue receipt.

Turning away from the front desk, members of the audience were immediately accosted by clipboard wielding production assistants who required them to sign insurance waivers and release forms irrevocably granting the producers and any parent, subsidiary or affiliated corporations and their respective successors, assigns, licensees, employees and agents, the right in perpetuity throughout the universe, and in all now known and hereafter existing media, and in any language, to use their names (including any fictitious names heretofore or hereafter used by them), physical likeness and/or voice in and in connection with the production, exhibition, exploitation, merchandising, advertising and promotion of the

But the audience that assembled on Great Ormond Street on September 7<sup>th</sup> last, would not have to wait long to find out what was in store for them. At 9am sharp, after a quick headcount, all ticket holders were let in to the RAC and the street doors shut and firmly locked behind them. Since the RAC had opened 3 hours earlier than its usual mid-day especially for the purpose, the only other people present were the Rebel Art Centre's own front of house staff and what may well have seemed like a disproportionate number of security guards.

Before being allowed to leave the Centre and board the coaches that would take them to Croydon, all participants were required to hand over any i-ports, i-travels, i-drives, and i-spends (or any Macintosh 'Lemur' OS 20.6.2 or later combinations of the above) that they may have inadvertently brought with them: Publicity material had been absolutely explicit that possession of any form of hybrid ID-telecom device – including RFID genres – was strictly forbidden.

In the RAC foyer, queues formed down the side of the bookshop and specially trained front of house staff (whom witnesses later described as 'wearing the usual, black Rebel Art Centre t-shirts') spoke in

Home Office Border and Immigration Agency,  
'Detained Fast Track Flexibility: Operational

Page no longer current. Accessed 30 November 2007

<http://www.ind.homeoffice.gov.uk/lawandpolicy/immigrationrules/part1>

Home Office Border and Immigration Agency,  
'Part 1: General provisions regarding leave to enter or remain in the United Kingdom.'

Accessed 27 July 2009

<http://www.icar.org.uk/?lid=6451&d=1177891200&p=month>

Sarah Eldridge, 'A Tale of Two Journalists,'  
London: ICAR: Information centre about asylum and refugees, 2007

Page no longer current. Accessed 30 November 2007

[http://www.cps.gov.uk/legal/section12/chapter\\_c.html](http://www.cps.gov.uk/legal/section12/chapter_c.html)

Crown Prosecution Service, 'Offensive Weapons,'  
*Code for Crown Prosecutors – Considerations: The Law.*

Accessed 27 July 2009

Notes

"The Lunar House "Re-enactment" was created by cutting up, remixing and re-narrating fragments from the following sources to create a completely new story:

Anonymous, 'About the Live Reenactment' [sic.],

*Psychological Warfare Reenactment.*

<http://www.wacoreenactment.org/index2.php?section=3&page=aboutlive-intro>

Accessed 27 July 2009

Anonymous, 'Brief Historical Background',

*Psychological Warfare Reenactment.*

<http://www.wacoreenactment.org/index2.php?section=2&page=historybackground>

Accessed 30 July 2009

Bail for Immigration Detainees (BID), 'Detained

Fast-tracking of asylum claims', 2006.

[www.biduk.org/pdf/Fast%20track/DFT\\_informatio\\_n\\_sheet\\_18\\_10\\_06.doc](http://www.biduk.org/pdf/Fast%20track/DFT_informatio_n_sheet_18_10_06.doc)

Accessed 27 July 2009

Heath Bunting, 'borderXing exercise', event flyer.

February 2007.

[http://www.rational.org/health/borderxing\\_exercise/](http://www.rational.org/health/borderxing_exercise/)

<sup>5</sup> Sample actor's release form:  
<http://www.pakbuzz.com/entries/001291.shtml>

<sup>6</sup> Description of the audio collage used by the FBI at Waco,  
<http://www.wacoreenactment.org/index2.php?section=2&page=historybackground>

art work tentatively entitled 'Homeless' ('The Work').<sup>5</sup> Once these minor formalities were completed, the ushers handed them a stringently detailed document entitled 'The Regulations'.

Lack of compliance among a small number of audience members was not allowed to cause a delay. Twenty-three such refuseniks were kindly requested to take a seat in the RAC cinema until 'processing' was completed. They soon found out that rather than being allowed home they would be forced to remain in the cinema and to watch a 5 minute loop of their own arrival at the RAC which had been taken from the building's CCTV cameras and scratch edited to, 'a collage of sounds including Nancy Sinatra's "These Boots Are Made For Walking", babies crying, circling helicopters, the sound of a [phone off] the hook, buddhist chants, and rabbits screaming as they are killed.'<sup>6</sup> The Rebel Art Centre's legal representatives have assured me that snacks and bottled water were supplied. I have also been assured that this strange

forfeit had been spent out in the terms of ticket

purchase. I understand that none of the complaints and/or legal actions that may have resulted were

ultimately successful.

Before leaving the RAC each of the remaining 57 audience members were handed a knife. Two

varieties were distributed: a good quality stainless steel folding knife with a 3 1/2 inch blade sourced

from a hardware store in Spain, or, an Opinel brand folding knife with a 3 inch blade sourced from a

specialty UK hardware and camping store.<sup>7</sup>

It would have been a strange procession that made its way along Great Ormond Street at 10am on the morning of 7 September 2011. The ratio of punters to security personnel at this point was, according to

eye witness accounts, approximately 2:1. Before boarding their coach each audience member was

required to show both their ticket and their weapon. They were informed that they must keep the knife

with them at all times, and that failure to carry the

<sup>7</sup> Descriptions taken from Kate Rich, 'Letter for Heath

Bunting, regarding his arrest on September 7 2001 for possession of a bladed article'. *In defence of the tools of my trade*. Archived at

<http://www.rational.org/health/knife/letters/kate.html>



Dickinson remains cheerful and optimistic, however, despite his ordeal of the past year. When I spoke to him recently at a secret location following his acquittal and the suspension of his Control Order, he made it clear that he has received backing from an anonymous donor and is now able to finance his own investigation with a view to

This seems a text book case, apart from one problem: despite extensive research and a thorough-going police investigation, no-one yet knows who the 'defendant' might be. Attempts to trace the production company which entered contract with the Rebel Art Centre apparently on Rod Dickinson's behalf in order to promote and stage the so-called 'work' have been unsuccessful, although Dickinson has proved beyond doubt that he knew nothing of the proposed project and that even if Nonexistent Productions existed, they categorically were not working on his behalf. It is now suspected that the entire saga was a hoax perpetrated by as yet unidentified anarchist pranksters who wished to draw attention to flaws in the Prevention of Terrorism and Asylum and Immigration Acts. No arrests have been made to date.

pursuing a civil case for defamation and loss of earnings in addition to the passing off outlined above. Obviously this awaits the outcome of any criminal proceedings that may result from the ongoing police investigation – and given the lack of progress in that investigation, it's a situation that may take years to resolve. Until then, Dickinson at least has his 'good name' back, but the full extent of the personal and professional damage to the life and career of this once-again respected British artist may prove more difficult to quantify and to remedy.

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<sup>9</sup> 'Making an application at Lunar House', <http://www.ind.homeoffice.gov.uk/contactus/publicenquiryoffices/croydon/makingapplicationlunar>

<sup>10</sup> 'Making an application at Lunar House', <http://www.ind.homeoffice.gov.uk/contactus/publicenquiryoffices/croydon/makingapplicationlunar>

The following is taken from the account of one

walk-in-queue followed suit. crowd' as well as other, genuine, members of the 'art became quickly overwhelmed as more of the 'art were quickly detained, until security personnel The first four or five audience members to do so regulations covering visits to Lunar House). thus to circumvent the appointments-only urgent, compelling or compassionate nature<sup>10</sup> and to demonstrate, 'circumstances [...] of an extremely expiry date of my visa,' (a form of words designed there is less than four weeks remaining until the weapon and shout the words, 'I claim asylum and the main entrance, where they should show their the queue and run to the X-ray security station at one minute intervals they were told to break from undercover queuing area outside Lunar House'. At front of the 'walk in queue which is found in the audience members were instructed to go to the

knife during any part of the performance would result in their being ejected from any designated 'performance space' and render them liable to legal action under the terms of The Regulations and of the various contracts that they were now party to. No objections were raised. Indeed, audience members are understood to have seen such strict instructions as part and parcel of attending (if you'll excuse the pun) a 'cutting edge' performance art-type event and as adding another kind of thrill to the sense of aesthetic danger they felt. Similarly, while The Regulations that were handed out clearly stated, 'you are liable to be detained and deported,' most participants tended to ignore this warning<sup>8</sup> – seeing it as a satirical parody of UK asylum law that did not apply to a largely bourgeois art audience that was made up entirely of UK citizens.

Accounts of what happened at Lunar House are understandably hazy, but I've been able to piece together a number of witness statements in order to suggest the following. Upon disembarking,

<sup>8</sup> Adapted from Sarah Eldridge, 'A Tale of Two Journalists', *Sarah Eldridge's Mediablog*. Information Centre about Asylum and Refugees in the UK (ICAR), 2007. <http://www.icar.org.uk/?lid=6451&d=1177891200&p=month>

It is not known how many genuine (i.e. non-art world) visitors to Lunar House were compromised by the events of 7<sup>th</sup> September 2011 or whether any genuine claims were unfairly revoked as a result of the action. No official attempt to reconcile figures has been made public.

Rod Dickinson who is now known to have been on a year-long 'spiritual retreat' in the Republic of Kosovo at the time of the action allegedly being carried out in his name, was arrested and returned to the UK under the terms of the Bilateral Extradition Treaty existing between the two countries. While in transit from Prishine to London, Dickinson was charged with committing an act of terrorism and of terrorism-related activity, and thus was made the subject, in absentia, of a Control Order under the terms of the Prevention of Terrorism Act 2005. He did not need to be present for this to be approved, since 'The preliminary hearing under subsection 1a may be held — a) in the absence of the individual in question; b) without his having had notice of the application for the order; and c) without his having been given an opportunity (if he was aware of the application) of making any representations to the court.'<sup>16</sup>

Dickinson's defense – strenuously argued during the hearings at Horseferry Road Magistrates Court and his subsequent trial at the Old Bailey – has always been that he was the primary victim of a complex fraud involving identity theft and the antiquated commercial offence of 'passing off'. Indeed with respect to this latter, the case presents the 'classic trinity' of elements of a passing off case – namely, that: (1) the claimant's [i.e. Dickinson's] goods or services have acquired a goodwill or reputation in the market and are known by some distinguishing feature; (2) there is a misrepresentation by the defendant (whether or not intentional) leading or likely to lead the public to believe that goods or services offered by the defendant are goods or services of the claimant [i.e. Dickinson]; and (3) the claimant has suffered, or is likely to suffer, damage as a result of the erroneous belief engendered by the defendant's misrepresentation.<sup>17</sup> In other words, and in this context, a kind of aggravated forgery.

<sup>16</sup> Prevention of Terrorism Act 2005, Chapter 2: <http://www.opsi.gov.uk/ACTS/acts2005/20050002.htm>

<sup>17</sup> 'Classic Trinity' in 'Passing Off.' *IP/IT Update*. <http://www.ipit-update.com/passingoff.htm>

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female audience member who has asked to remain anonymous:<sup>11</sup> 'A guard siezed the pocket knife which I was openly carrying [...]. I told the guard that the knife was mine and that I was carrying it as part of an art work that I was attending. I tried to show him my raffle ticket but the guard announced his intention to call the police. I was treated with extreme suspicion, handcuffed and taken to Croydon Police Station, where I was processed separately from any other audience members. I had no contact with other audience members, although as I was leaving Lunar House I could hear other people shouting the line about claiming asylum just as I had done a few minutes earlier. I realised that I was in a vulnerable position: I possessed no viable form of identification, I was in possession of the knife supplied to me, and I had clearly identified myself as an asylum seeker. I was informed that I was in contravention of Section 1 of the Prevention of Crime Act 1953 prohibiting the possession in any public place of an offensive weapon without lawful authority or excuse,<sup>12</sup> Section 139 of the

<sup>11</sup> Author's note: This account is a fictional adaptation of Kate Rich (ibid) and a number of other sources as footnoted.

<sup>12</sup> 'Offensive Weapons,' *Code for Crown Prosecutors – Considerations: The Law*. The Crown Prosecution

Criminal Justice Act 1988 prohibiting the possession in a public place of any article which has a blade or is sharply pointed (including a folding pocket knife if the cutting edge of its blade exceeds 7.62cm/3 inches), and, as I could not prove that I had the right of abode in the United Kingdom by producing a United Kingdom i-port describing me as a British citizen or as a citizen of the United Kingdom and Colonies having the right of abode in the United Kingdom, that a Chief Immigration Officer was exercising his power to refuse me leave to enter the United Kingdom<sup>13</sup>

'After intensive officer intimidation, eight hours in a Croydon lock-up and high pressure from the public solicitor I was informed that I was to be processed under the terms of the 'Detained Fast Track Flexibility'<sup>14</sup> operating instructions and as

<sup>13</sup> [http://www.cps.gov.uk/legal/section12/chapter\\_c.html](http://www.cps.gov.uk/legal/section12/chapter_c.html) Home Office Border and Immigration Agency, 'Part I: General provisions regarding leave to enter or remain in the United Kingdom,' <http://www.ind.homeoffice.gov.uk/lawandpolicy/immigrationrules/part1>

<sup>14</sup> Home Office Border and Immigration Agency, 'Detained Fast Track Flexibility: Operational Instruction,' <http://www.ind.homeoffice.gov.uk/lawandpolicy/fastrack/>