

Extinction Rebellion

Extinction Rebellion prosecutions showed the spectrum of climate protest

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Mon 19 Apr 2021 15:00 BST



There were professionals and parents, tears and eloquence, as the courtrooms filled to overflowing

- Environment protest being criminalised around world, say experts
'I'll continue to fight': the prosecuted Extinction Rebellion protesters



An Extinction Rebellion flag hung by protesters outside the City of London magistrates court. Photograph: Peter Summers/Getty Images

In the past two years, I have spent a lot of time at City of London magistrates court. As part of Extinction Rebellion's media team, I have followed the mass prosecution of hundreds of peaceful climate campaigners.

It began with plea hearings for those charged after our April protests. Every Friday through the summer and autumn of 2019, two courtrooms filled to overflowing with XR defendants, their friends and supporters. The media coverage of April had showcased the young and the flamboyant, but the people who appeared were from across the spectrum: professionals, parents, retirees, the vast majority first-time activists.

The high point of those Fridays was the guilty pleas. In groups of six or seven, defendants took turns to explain their actions as mitigation before sentencing. Most read statements written in advance.

Some spoke about the science in great depth, others gave heart-wrenching accounts of fear and grief, of the mixed emotions at the birth of a new grandchild or the renewed hope that came with action.

Often they pointed out the difference between the legal definition of guilt and the moral kind, respectfully refusing to be contrite. If they accepted guilt at all, it was for having not acted sooner, for having wasted decades politely writing letters while the climate crisis escalated. At times some became too choked up to continue, at which point Sylvia, the list-caller, would approach with tissues and gentle words of encouragement.

After each statement, the judges would often praise the speaker's eloquence and moral integrity and summarise what they had heard. One judge would often add to them. 'You talked about the civil rights movement,' he might say, 'you could also have mentioned the suffragettes.' Or: 'You spoke of wildfires in Australia, you could also have said Siberia.'

One particularly tearful day, a defendant read an excerpt from Carl Sagan's Pale Blue Dot, inspired by a far-off image of the Earth taken by the Voyager space probe. 'Look again at that dot. That's here. That's home. That's us. On it everyone you love, everyone you know, everyone you ever heard of, every human being who ever was, lived out their lives.'

For all those who pleaded guilty, just as many chose to go to trial. By late autumn 2019, with trials for the April protests well under way and a new set of plea hearings starting for the second wave of protests that took place in October, there were days when every courtroom at City of London magistrates court was hearing XR cases. Covid and the lockdown did not slow the pace, with prosecutions for the September 2020 protests being added to the mix. It fuelled a growing sense of outrage among protesters, as people were summoned from around the country to attend group trials even as hospital numbers peaked.

No defendants denied their actions. Most argued their rights to freedom of expression and assembly as set out in the Human Rights Act. But mainly they argued necessity, an ancient piece of case law that excuses criminal acts intended to prevent a greater harm, like breaking the window of a burning house to rescue those trapped inside.

But while no judge has ever challenged the urgency of the science - with one even telling defendants: 'You must succeed' - none has accepted the necessity defence. Aside from technicalities, what is left are moral arguments, and as judges have said repeatedly, theirs are courts of law, not of morality. This response is being met with a mounting campaign of contempt of court. So far, 11 people have glued on and livestreamed from the courtroom, with most of these sentenced to prison time.

Although the trials will continue for a while, the September pleas are petering out and with them new prosecutions. But as lockdown eases, XR has plans to return to the streets, and I will no doubt be seeing far too much of City of London magistrates court.

- Zoë Blackler is part of the XR media team and coordinates XR's whistleblowing project TruthTeller.

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