

UK judge hands down four and five-year jail terms to Just Stop Oil campaigners for peaceful protest

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Four Just Stop Oil climate protesters— Daniel Shaw, Louise Lancaster, Lucia Whittaker De Abreu and Cressida Gethin—were sentenced to four years in prison last Thursday for plans to blockade London’s M25 orbital motorway. A fifth—Roger Hallam, the co-founder of Extinction Rebellion and Just Stop Oil—was sentenced to five years.

A milestone in the UK’s descent into authoritarianism, the trial was the outcome of a conspiracy between the right-wing media, successive Conservative and Labour governments and an increasingly complicit judiciary.

Police charged the five campaigners after a *Sun* journalist infiltrated and recorded a Zoom call on which plans for the protest were discussed. The Crown Prosecution Service then levelled charges under section 78 of the repressive Police, Crime, Sentencing and Courts Act (PCSCA), which treats protest movements as a criminal enterprise and provides for sentences of up to 10 years in prison for “intentionally or recklessly causing public nuisance”, including by causing “serious annoyance, serious inconvenience or serious loss of amenity.”

Handing down the record sentences for peaceful protest, Judge Christopher Hehir was vitriolic, declaring that each of the five had “crossed the line from concerned campaigner to fanatic.”

Being sure to comment that, had the protest succeeded, he would likely have applied the maximum sentence of a decade in prison, Hehir went on, “Your fanaticism makes you entirely heedless of the rights of your fellow citizens. You have taken it upon yourselves to decide that your fellow citizens must suffer disruption and harm, and how much disruption and harm they must suffer, simply so that you may parade your views.”

What strike or protest would not fall foul of this denunciation? And what is the legal distinction between a “concerned campaigner” and a “fanatic”? The verdict is part of a rapid evisceration of the right to protest in Britain that has taken place in recent years, with climate protesters

bearing the brunt.

Between them, the PCSCA (2022) and the Public Order Act (2023) criminalise swathes of legitimate protest activity. The latter was used to arrest over 200 Just Stop Oil campaigners on a single day last December for taking part in go-slow marches on London roads. Fifty-seven-year-old father of three Stephen Gingell, arrested in November, became the first to be jailed under the new law in December, for six of a potential 12 months.

This April, Morgan Trowland and Marcus Decker were sentenced to three-and two-year sentences under the PCSCA for a protest at the Dartford Crossing. Lady Chief Justice Sue Carr acknowledged the jail terms were “well beyond previous sentences imposed for this type of offending,” but countered that the judges were following “Parliament’s will”.

Hehir invoked the will of parliament, referencing the Trowland and Decker case in his sentencing remarks to justify the comment, “I do not regard your status as non-violent direct action protesters as affording you any particular mitigation.”

In trying the case, Hehir made use of a further series of reactionary court decisions in the last years to deny the defendants an opportunity to explain and justify their actions before the jury. In September 2022, then attorney general Suella Braverman secured a ruling from the Court of Appeal to remove the defence of proportionality for significant criminal damage—allowing defendants to argue conviction would be a disproportionate infringement of their right to protest.

This March, then attorney general Victoria Prentis succeeded in having the Court of Appeal remove the “consent” defence, allowing defendants to argue that the owners of property would have consented to its damage—for example, by being sprayed with paint in a protest—if they had known the circumstances.

The two decisions added to the Court of Appeal’s ruling in

2021 which quashed the convictions of the Stansted 15 anti-deportation protesters but effectively removed the “necessity” defence—that the protest action was undertaken to prevent a greater harm.

Combined, these rulings shut down the legal avenues by which protesters charged under the new laws can justify their actions in court. In a case in London last year, for example, Judge Silas Reid banned any mention of climate change, fuel poverty or the civil rights movement in the US.

Under Hehir, four of the five Just Stop Oil defendants were rearrested in court and dragged from the dock down to the cells by police, in some cases repeatedly, for seeking to explain their motivations after the judge ordered them to stop. The climate crisis, said the judge, is “entirely irrelevant to the question of whether or not each is guilty or not guilty”.

Another 11 people were arrested outside the building for contempt of court, simply for carrying signs protesting this abuse of democratic rights. The placards read, “Jurors deserve to hear the whole truth” and “Jurors have an absolute right to acquit a defendant according to their conscience”. Trials of the arrested will take place this September with those found guilty of contempt of court facing a prison sentence of up to two years, a fine, or both.

Michel Forst, the United Nations special rapporteur for environmental defenders, responded to the “punitive and repressive” sentences by warning, “This sentence should shock the conscience of any member of the public. It should also put all of us on high alert on the state of civic rights and freedoms in the United Kingdom.

“Rulings like today’s set a very dangerous precedent, not just for environmental protest but any form of peaceful protest that may, at one point or another, not align with the interests of the government of the day.”

Forst had sought to intervene with British authorities over Daniel Shaw, whose treatment had “really shocked” the UN official’s team. Shaw spent more than 100 days on remand, during which time he was forced to wear an ankle tag, subjected to a strict curfew and banned from either meeting his co-defendants or attending protests over the environment.

Though the bulk of these proceedings took place under Rishi Sunak’s Conservative government, they have been signed off by Sir Keir Starmer’s new Labour government. After a handful of Labour MPs criticised the ruling, a spokesperson for 10 Downing Street made clear the prime minister backed the verdict. Judgements and sentencing were “rightly a matter for independent judges. They have all the facts and evidence before them, and it’s not for politicians to interfere in such decisions.”

There were “no updates” on whether Labour would look at

repealing or reforming the Tories draconian protest laws.

Starmer’s armed forces minister Luke Pollard was more direct about the “pathetic” and “highly dangerous” activity of climate protestors. He told LBC Radio the “strong penalties” were “welcome”, adding he was “glad that there’s now been a strong message sent to them, and anyone thinking about that type of disruptive protest in the future, that there’ll be serious consequences if they go down that path.”

The *Guardian*, generally critical of the brutal treatment of climate protestors, commissioned columnist Sonia Sodha to begin the paper’s adaptation to the right-wing Labour government on even this point. Writing under the headline, “Yes, five years in jail is too harsh, but the Just Stop Oil Five shouldn’t have done it,” Sodha denounces “the overwrought handwringing which posits that stopping people from self-indulgently crippling important national infrastructure is somehow an authoritarian abuse of democracy.”

Concerned that overflowing prisons might not be the best punishment, she suggests cheerily, “Why not deprive non-violent offenders of their liberty through restrictive curfews monitored through electronic tagging instead?”

The increasingly vicious reaction against protest by the government, the courts and the media exposes the fear in the ruling class of deep social anger erupting into mass protests and strikes—not least over the climate crisis, which mobilised 1.6 million people worldwide in March 2019 and 6 million in September 2019. Starmer is in office following an election with the lowest voter turnout since universal suffrage, tasked with carrying out a deeply unpopular programme of continued austerity and escalating militarism.

The ruling class is particularly sensitive to any action targeting transport and logistics, the chokepoints of a fragile global economy. They know that were these pressure points to be targeted by an organised working-class movement, breaking out of the restrictions imposed by the trade union bureaucracy, the government’s right-wing agenda could be shaken to its roots.



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