

Press release: for immediate release

WHOLE TRUTH FIVE LAUNCH APPEAL AGAINST JAIL SENTENCES

- Manifestly excessive sentences longer than those given for violent riots
- Judge Hehir's 'deterrent effect' backfires, as movements step up campaigns to stop crimes against humanity and to free political prisoners



*Lucia Whittaker De Abreu (34), Cressie Gethin (22), Lou Lancaster (58), Daniel Shaw (38), Roger Hallam (57)
- The Whole Truth Five (#WTF)*

Today, 13 August, Cressie Gethin, Roger Hallam, Lou Lancaster, Daniel Shaw and Lucia Whittaker De Abreu, known as the Whole Truth Five, formally launched their appeal against their jail sentences.

On 18 July, at Southwark Crown Court, Judge Christopher Hehir jailed Hallam for five years and the others for four years, for planning peaceful disruption to the M25 in opposition to the previous government's plans to 'max out' on oil and gas. As a point of comparison, those convicted for their part in the wave of recent violent and racist rioting have so far been sentenced to between 2 months and 3 years in prison [1].

It may be some months before the Court of Appeal hears the appeal.

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Amongst other grounds, lawyers for the Whole Truth Five argue that the sentences were manifestly excessive, that the judge failed to take account of the legal obligation on the UK, under Article 3(8) the Aarhus Convention, not to penalise, persecute or harrass ‘environmental defenders’ [1A], and that he refused to take into consideration the overwhelming threat to human life from greenhouse gas emissions, dismissing reference to it at the sentencing hearing as ‘political speech’.

The sentences followed a trial in which the defendants were gagged from producing evidence of the immediacy of the threat from climate breakdown, the UK government’s contribution to it, and the efficacy of direct action in bringing about political change. Specifically, the judge banned them from calling Professor McGuire, Emeritus Professor of Geophysical & Climate Hazards at University College London, as a witness, who later said publicly [1B]:

“The judge’s characterisation of climate breakdown as a matter of opinion and belief is completely nonsensical and demonstrates extraordinary ignorance.”

‘Insane’ sentences condemned internationally

Judge Hehir’s sentences have attracted an unprecedented level of criticism, both nationally and internationally.

The UN Special Rapporteur, Michel Forst, took the exceptional step of issuing a [public statement](#) on the day of the sentences:

“How a sentence of this magnitude can be either reasonable, proportional or serve a legitimate public purpose is beyond comprehension.” [2]

More than 2,000 academics and cultural figures, including Dr Rowan Williams, the former Archbishop of Canterbury, Tracy Emin, Juliet Stevenson, Ash Sarkar, Jarvis Cocker and Michael Mansfield KC wrote an [open letter](#) asking [3]:

“With prisons at breaking point and the new government acting urgently to address this, how can these sentences be seen as anything other than insanity?”

The Haldane Society of Socialist Lawyers, of which Keir Starmer was previously Secretary, has passed a [motion](#) condemning the sentences as ‘completely disproportionate’ [4]:

“These sentences ... are intended to instil fear amongst activists and will stifle debate across a range of issues on which socialists and others advocate.”

Sir David King, the government’s former Chief Scientific Adviser, said:

“This is so disgraceful. We are all hoping that the change in UK Govt will also change the situation in our courts.”

Chris Packham, the naturalist and broadcaster, and Dale Vince, the Green industrialist and Labour donor, have called publicly for a meeting with the Attorney General, Richard Hermer KC [4A]:

“It’s madness to be locking up people such as Cressie for taking on the might of the fossil fuel industry. An industry that has not just polluted our land, air and waters, but has corrupted our democracy with its money and misinformation for so long. This cannot go on. What’s happening is shameful and unlawful.”

Dan Norris, the Labour MP and Mayor of the West of England criticised the sentences as **“far too severe”** [4AA].

Today, global citizens movement Avaaz [launched a national petition](#) to Keir Starmer, which has already gathered more than 20,000 signatures [4B]:

“We condemn the gagging and jailing of peaceful climate protesters in UK courts. We call on you to stop silencing and jailing truth tellers. Repeal the Tories’ repressive legislation immediately, hold to account the corporate polluters who threaten life on earth for profit, and restore the UK’s influential role in upholding democratic rights and international law.”

Leading legal writer asks, “Why are sentences for violent disorder lower than those for peaceful protest?”

Judge Hehir sought to justify his sentences by reference to the disruption caused from delays to the traffic. But as the leading legal writer, David Allen Green, points out in Prospect Magazine, on that basis the sentences imposed on violent rioters would be far greater [4C]:

“But even taking paragraphs six and seven of the sentencing remarks at their highest, they are not comparable to the disruption caused by this week’s riots. The widespread racially motivated violence and criminal damage meant that entire communities were terrified. People were not simply delayed in traffic; they were afraid to leave their houses. The “public nuisance”—to employ the phrase generally—was of a far greater order than that caused by the JSO activists.”

No sign of deterrent effect

If Judge Hehir intended his sentences would have a deterrent effect, he must be disappointed by the result. Since the sentences were passed on 18 July, on 25 July, [8 Just Stop Oil members were remanded to prison](#), without trial, for action at Heathrow Airport [5]; on 31 July, [2 more were remanded into custody](#) for spray painting Heathrow Airport [6]; and on 6 August another [5 were remanded](#) after being arrested near Manchester Airport [7].

And with Britain's prisons in crisis, on 1 August another five peaceful people were jailed for 2 years each for climbing onto motorway gantries to delay the traffic [8].

Campaign groups are understood to be planning a new wave of action calling for political prisoners to be freed.

A spokesperson for Defend Our Juries said:

“Both the recent race riots and the filling of our prisons with climate truth-tellers, result from the previous government’s attempt to distract from the existential crises we face by demonising easy targets. It’s time to leave that toxic legacy behind, and to bring people together through an honest and democratic confrontation with reality.”

A spokesperson for Just Stop Oil said:

“Direct action works. Following decades of denial, it was only after Extinction Rebellion’s blockades of London bridges in April 2019 that the British Parliament declared a climate emergency and introduced a net zero target. It was only after Just Stop Oil’s disruption to the M25 that Keir Starmer committed to ending licences for new oil and gas. The Whole Truth Five, along with others, did the best thing they could, according to the evidence, to prevent catastrophic and irreversible harm to the public and life on earth. Judge Hehir’s imagined ‘deterrent effect’ is both cynical and naïve: it assumes we don’t love our children, but we do. It assumes we have no care for the future of our country, but we do. It assumes we don’t want to live, but we do.”

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Notes for editors

[1] <https://www.prospectmagazine.co.uk/ideas/law/law-and-order/67536/why-are-sentences-for-violent-disorder-lower-than-those-for-peaceful-protest>

[1A] <https://unece.org/DAM/env/pp/documents/cep43e.pdf>

[1B]

<https://docs.google.com/document/d/1ZZ-l4wjECduuGkwkqZQ7ZR9ZNITdYolqM9AxI4X7Rak/edit?usp=sharing>

[2]

https://unece.org/sites/default/files/2024-07/ACSR_C_2024_26_UK_SR_EnvDefenders_public_statement_18.07.2024.pdf

[3] <https://defendourjuries.org/wtf/>

[4] <https://www.haldane.org/>

[4A]

<https://www.theguardian.com/commentisfree/article/2024/jul/19/just-stop-oil-tactics-prison-chris-packham>

[4AA]

<https://www.dailymail.co.uk/news/article-13733755/Punishment-eco-protesters-jailed-plot-bring-M25-standstill-severe-Labour-MP-claims.html>

[4B] https://secure.avaaz.org/campaign/en/uk_climate_activists_loc/

[4C]

<https://www.prospectmagazine.co.uk/ideas/law/law-and-order/67536/why-are-sentences-for-violent-disorder-lower-than-those-for-peaceful-protest>

[5]

<https://juststopoil.org/2024/07/25/eight-just-stop-oil-supporters-imprisoned-as-the-oil-kills-international-uprising-to-end-fossil-fuels-continues/>

[6] <https://juststopoil.org/2024/07/31/phoebe-plummer-and-jane-touil-imprisoned/>

[7]

<https://juststopoil.org/2024/08/06/five-more-just-stop-oil-supporters-remanded-to-prison-as-total-incarcerated-for-climate-action-rises-to-26/>

[8] <https://juststopoil.org/2024/08/01/gantry-climbers-sentenced-two-years-in-prison/>