



Richard Hermer KC MP
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Dear Richard Hermer KC

***JURY ACQUITTALS AND THE POLITICAL CONSENSUS
24 OCTOBER, UNITED NATIONS DAY***

Scope of proposed meeting

Thank you for your letter of 4 October. We welcome the opening of a dialogue.

You say you are “*keen to engage with non-government organisations*” and express “*regret that I do not consider it appropriate at this juncture to accept your invitation to a meeting*”. You explain how you reach that conclusion: you can not interfere in individual cases and there is no equivalent to your power to challenge ‘unduly lenient’ sentences where sentences are manifestly excessive.

We are familiar with the asymmetrical constraints of your office. We do not propose to talk to you about anything that strays beyond your remit. We wish to discuss with you only the following matters, which raise systematic questions of UK compliance with international law:

- i) the role currently occupied by oil and arms industry lobbyists, such as Lord Walney and Policy Exchange, in distorting criminal justice policy to the advantage of their clients
- ii) the measures that have been taken *in general terms* to frustrate the power of juries to acquit those who hold the arms and oil industries to account through direct action, alongside press coverage which amounts, in some cases, to contempt of court.
- iii) the surge in the jailing of peaceful people *in general terms* since the publication of Lord Walney’s report in May, which proposed treating groups such as Just Stop Oil and Palestine Action, as on a par with organised crime groups.

We are aware that meetings have been held between industry executives and lobbyists, your department and the Home Office concerning ‘the problem’ of jury acquittals in such cases. We seek to level the scales.

24 October. United Nations Day

We hope this clarification addresses your concerns and that you will now agree to a meeting to discuss these matters with a small delegation of concerned citizens, drawn from affected groups and movements. If you do not accede to this reasonable and proportionate request, we plan to mark 24 October, United Nations Day, with a free exhibition of political prisoners, past and present, outside your office in Petty France. The exhibition will be a lawful expression of our Article 10 and 11 rights, conforming to the principles set down by the Supreme Court in *Ziegler*.

We will be pleased to offer you and your staff free entry to the exhibition, on condition that when the time comes for us to meet you *inside* your office, we won't be charged for that either.

Jury acquittals and rebuilding the political consensus

You say, "A key priority for me as Attorney is to be a leader in rebuilding the political consensus to secure the long-term resilience of the rule of law and fundamental rights."

Trial by jury serves as an oasis of deliberative democracy: twelve randomly selected citizens, drawn from across local communities, given time to consider all the relevant evidence and to listen to each other, before reaching a collective decision. It is notable that trial by jury was abandoned in Germany, initially as an emergency measure, in the 1920s.

More often than not, when juries are permitted to hear the evidence that has compelled people to take action to advance climate or racial justice, and so long as they are given licence to evaluate the proportionality of the actions, they acquit. This has prompted a concerted pushback, led by industry lobbyists, who have promoted and advanced a series of extraordinary measures to prevent such verdicts recurring. Such measures are an attempt to interfere with the course of justice - conduct which falls within your mandate.

This interference with the judgement of juries, who are well positioned to assess the proportionality of direct action taken in their own communities, is inconsistent with rebuilding the political consensus. Your predecessors played a substantial role in this interference, including by removing previously available legal defences and by prosecuting Trudi Warner, for upholding the principle of jury equity on a sign. We credit you and the Solicitor General for the decision not to pursue the appeal against the decision of Mr Justice Saini.

Given the current state of repression in Britain, despite the clear necessity and proportionality of our actions, hundreds of us will be prepared to accept wrongful arrest outside your office on 24 October, United Nations Day. Any such arrests, in violation of fundamental democratic rights, would be literally on your watch.

Yours sincerely,

Defend Our Juries.