XR LEGAL STRATEGY DOCUMENTS

LS3: EXAMPLE PREPARED STATEMENTS FOR POLICE INTERVIEW

BETA version (work in progress). Please collaborate with us!

"Extinction Rebellion founder cleared over King's College protest" (9 May 2019)

"When the house is on fire the normal rules don't apply: it's not a crime to break a window to save those inside."

Remember - if the the police are interviewing you it's probably because they don't have enough evidence to charge you. To avoid incriminating yourself or others, it's generally advisable to avoid answering any police questions.

We have prepared two examples of a police statement, which you may use, combine or adapt to prepare a statement that you feel comfortable with personally.

The advantage of a short form statement is that it is easy to remember. If you're charged with an offence without an interview, which is possible, you will be asked if you have anything you wish to say. The short form statement will work best in that situation.

Make sure you mention the fact that two XR activists were found not-guilty of criminal damage by a jury at Southwark Crown Court. What you say in interview has to be given in evidence at trial. If it's not in interview, the court may refuse to allow this into evidence.

The potential advantage of a longer form statement is that it forces police, the prosecution and the court to confront the evidence of the climate emergency from the outset, and brings into evidence material that might otherwise be excluded.

For a longer form statement, you will need to find a way to access it during your interview as your possessions are likely to be removed prior to interview (eg by ensuring your solicitor has a copy in advance).

See also LS1: Legal Strategy - Overview

"[T]here are two types of laws: just and unjust. I would be the first to advocate obeying just laws. One has not only a legal but a moral responsibility to obey just laws. Conversely, one has a moral responsibility to disobey unjust laws. I would agree with St. Augustine that "an unjust law is no law at all.

Now, what is the difference between the two? How does one determine whether a law is just or unjust? A just law is a man made code that squares with the moral law or the law of God. An unjust law is a code that is out of harmony with the moral law. To put it in the terms of St. Thomas Aquinas: An unjust law is a human law that is not rooted in eternal law and natural law. Any law that uplifts human personality is just. Any law that degrades human personality is unjust."

Martin Luther King, Letter from Birmingham Jail

Example 1: Short form

> *"According to leading scientists we are in a state of ecological crisis and climate breakdown, which requires urgent and radical action. We can't solve the crisis unless we treat it as a crisis. Our house is on fire and it's our duty to raise the alarm, to protect our own lives and the lives of others. When the house is on fire the normal rules don't apply: it's not a crime to break a window to save those inside. On 9 May 2019, at Southwark Crown Court, 12 men and women, a cross-section of the public, found two XR activists not guilty of causing £7,000 worth of criminal damage. The activists admitted causing the damage but argued their actions were a proportionate response to the climate emergency. The public is on our side, because it's our common future. That is all I wish to say."*

Example 2: Long form

"My name is [xx]. On [xx] I was arrested for [criminal damage / obstruction of the highway / public nuisance]. I read this prepared statement to explain my actions.

Imagine passengers on board a large ship. It becomes clear that the ship is on a collision course with the rocks, a jeopardising the lives of all on board. The passengers raise the alarm but the trajectory remains fixed. It's unclear what's going on but whatever the explanation, the passengers are bound to take reasonable action to prevent the ship going down. It's an emergency and the ordinary conditions of travel cease to apply. When the house is on fire the normal rules don't apply: it's not a crime to break a window to save those inside.

That is the position we find ourselves in. I have joined the Extinction Rebellion to do what I can to avoid irreversible and catastrophic harm and mass loss of life from climate breakdown. For decades scientists have been sounding the alarm with increasing urgency and desperation. In 2017 more than 15,000 scientists from around the world signed an open letter to humanity:

“To prevent widespread misery … humanity must practice a more environmentally sustainable alternative to business as usual … Soon it will be too late to shift course away from our failing trajectory, and time is running out.”

Our Government is failing in its most fundamental duty to safeguard its people and its children. It is failing us in two ways:

> *First, it is failing to provide the public with honest and accessible information about the urgency of the threat and the measures that are required to be taken; and*
>
> *Second, it is failing to take the measures necessary to reduce the risk of mass loss of life to a tolerable level.*

This failure is widely recognised. In September 2017, the Government’s own former Chief Scientist, Sir David King, told the BBC :

> *"This is crazy. The government knows very well what needs to be done - but it isn't doing it.”*

In October 2018, the world’s leading climate scientist, Professor James Hansen, wrote to the UK Government to say :

> *“So the UK joins Trump, ignores science… full throttle ahead with the worst fossil fuels. The science is crystal clear, we need to phase out fossil fuels starting with the most damaging, the ‘unconventional’ fossil fuels such as tar sands and ‘fracking’.”*

In December 2018, Sir David Attenborough told the United Nations :

> *“Right now we are facing a manmade disaster of global scale, our greatest threat in thousands of years: climate change … If we don’t take action, the collapse of our civilisations and the extinction of much of the natural world is on the horizon … The world’s people have spoken. Time is running out. They want you, the decision-makers, to act now. Leaders of the world, you must lead.”*

I believe in science. That is what this country and its education system has taught me to do. I believe that this Government, by failing to be honest about climate breakdown, and by actively expanding fracking and aviation and subsidising fossil fuels, is leading us towards unprecedented human misery and mass loss of life. For decades, concerned citizens have joined scientists in raising the alarm through ordinary lawful means – through protests and marches and letters and the ballot box. It’s clear these efforts are not working and that time is running out.

Leading scientists and others (including the former Archbishop of Canterbury, Rowan Williams) are supporting Extinction Rebellion, which is informed by research into theories of social change, and analysis of social movements such Martin Luther King's civil rights campaign of the 1960s.

When we look back at the horrors of 20th century Fascism we are reminded that it is not enough to be a bystander. To understand what's happening and to do nothing is to be complicit. What are we to do when to do nothing is morally abhorrent, and all lawful means of protest have failed?

I have done only what I consider to be necessary and proportionate to protect myself, my family and my fellow citizens from catastrophic and irreversible harm, by helping to raise the alarm in the face of the Government's failure to do so. Already there is evidence our actions are forcing a confrontation with reality. In the words of James Baldwin:

> *"Not everything that is faced can be changed; but nothing can be changed until it is faced."*

On 25 November 2018 the Times reported as follows:

> *"Academics said although ER's [ie XR] claims about climate change sounded apocalyptic they were broadly scientifically correct. "It is important to make more noise about climate risks," said Professor Sam Fankhauser, director of the Grantham Research Institute on Climate Change at the London School of Economics. "We need to do something radical. So calls to 'tell the truth' are welcome.""*

On 11 December 2018, Sadiq Khan, the Mayor of London, declared a climate emergency but complained of lack of government action and support:

> *"We are in the midst of a climate emergency which poses a threat to our health, our planet and our children and grandchildren's future. City Hall is doing everything in our power to mitigate the risk in London but the stark reality is that we need urgent government action and funding."*

It has been recognised across the media that Extinction Rebellion protests are necessary and that they are working:

> *"Only rebellion will prevent an ecological apocalypse" (George Monbiot, The Guardian, 15 April, 2019)*

> *"Extinction Rebellion protests have WORKED as MPs succumb to calls for change" (Daily Express, 25 April, 2019)*

"Jeremy Corbyn forces MPs to vote on declaring climate emergency after Extinction Rebellion protests over political inaction" (The Daily Mail, 28 April, 2019)

"Extinction Rebellion's tactics are working. It has pierced the bubble of denial" (Guardian, 10 June 2019)

On 1 May 2019, as a result of Extinction Rebellion protests, Parliament itself acknowledged the state of emergency:

"UK Parliament declares climate change emergency" (BBC, 1 May 2019)

On 9 May 2019, at Southwark Crown Court, 12 men and women, a cross-section of the public, found two XR activists not guilty of causing £7,000 worth of criminal damage. The activists admitted causing the damage but argued their actions were a proportionate response to the climate emergency. The public is on our side, because it's our common future.

Democracies function effectively when people have access to good information, and the government's failure to communicate the urgency of the climate crisis is a betrayal of our country's most democratic principles.

[Option (if have signed Mission Life Force): I am a legal trustee of the earth. By taking this action to protect my community, the Earth and future generations I am exercising my right to freedom of conscience [ECHR article 9]. I believe the government has a responsibility to protect people and planet. In the face of its failure to do so, my conscience obliges me to take non-violent direct action.]

The Government is failing its most fundamental duty. The social contract is broken. We have no choice but to take action.

We are all on board a ship, which according to the best available science, is heading rapidly towards the rocks. As passengers on the ship, and with so many children on board, we must do whatever it takes to change the trajectory. It would be inhuman to do otherwise.

For the moment, that is all I wish to say."