

Jury retires to consider verdict in Drax hijack trial

Final statement from the 22 defendants asked jury to 'look beyond the confines of this court' and 'make a judgment based not just on law, but on justice'

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The jury considering the case of the hijacking of a coal train by climate campaigners retired today after a final statement from the 22 defendants which the judge - who has repeatedly ruled political evidence inadmissible - described as "eloquent and sincere".

In their statement, the group appealed to the jury to "to look beyond the confines of this court to the wider world, and to make a judgment based not just on law, but on justice."

They were contradicted immediately afterwards by Judge James Spencer, who directed the jury at Leeds crown court that they should ignore climate change issues. He instructed them to consider only the facts of who took part in the stopping of a train carrying 42,000 tonnes of coal in June last year to [Drax](#) in North Yorkshire, the biggest coal-fired power station in Europe.

The defendants, aged between 43 and 21, plead not guilty to obstructing a railway engine contrary to the Malicious Damage Act of 1861. They have admitted that the train was flagged down by fake signalmen and occupied for 16 hours while coal was shovelled out of its hoppers, but argue that the action was "necessary and proportionate to prevent the crime of carbon emissions" and the deaths that result from them.

The judge had ruled the "necessity defence" inadmissible at a previous hearing, and he told the jury that accepting the argument would breach the principle that the law applied to all. But he emphasised that all 22 were "sincere in their views and of good character" and he included summaries of their climate change evidence in his summing up.

He described an account of a lesson on climate change, given by primary school teacher Grainne Gannon, 26, as "moving and engagingly told." He also told the jury: "We heard evidence from the train driver and he was the first to say how polite, orderly and responsible the protesters were."

The trial was originally set to last two weeks but sped up rapidly after the defence barristers withdrew because they could not professionally argue the "necessity" case against the explicit instructions of the judge. The 22 took over themselves, and cut their planned evidence by half as Judge Spencer became increasingly relaxed about allowing them to describe their motivations.

His earlier ruling, however, prevented the attendance of a string of expert witnesses from the UN, Nasa, and countries affected by possible consequences of global warming such as the Arctic and New Orleans. The defendants managed to refer to these in court, but were warned by the judge against summarising their views because they would be hearsay evidence.

On the third and final day of evidence, Gannon who boarded the train dressed as a coalminer's warning canary, reinforced points made by a university lecturer, a film-maker, a charity worker and others about why they had felt compelled to act. She concluded: "burning coal means carbon pollution which means death."

The final statement was given by charity worker Jonathan Stevenson, 26, from London, who cited Lord Denning's admiration of a jury in 1670 which refused to convict William Penn and other Quakers for "disorderly preaching" even though they were themselves imprisoned by a judge, "without so much as a chamber pot". Stevenson told the jury that Judge Spencer was not going to do that and also referred to a law lords decision in 2005 that no judge could direct a jury to return a guilty verdict.

He said: "The freedom that you have, that the legal system allows juries, is what enables the law, where necessary, to move forward. Times change, and what was acceptable in one era may not be acceptable in another.

"The law will eventually have to change and acknowledge the harm that carbon emissions do to all of us, by making them illegal."

The defendants are: Theo Bard, 24, Amy Clancy, 24, Brian Farelly, 32, Grainne Gannon, 26, Bryn Hoskins, 24, Jasmin Karalis, 25, Ellen Potts, 33, Bertie Russell, 24, Alison Stratford, 26, Jonathan Stevenson, 27 and Felix Wight, all of London, Melanie Evans, 25, Matthew Fawcette, 34, Robin Gillett, 23, Kristina Jones, 22, Oliver Rodker, 40, and Thomas Spencer, 23, all of Manchester, Paul Chatterton, 36, and Louise Hemmerman, 31, of Leeds, Melanie Evans, 25, of Stockport, Paul Morozzo, 42, of Hebden Bridge, Christopher Ward, 38, of Newport Pagnell and Elizabeth Whelan of Glasgow.

A verdict is expected tomorrow.

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