

David Lambert

Closing speech and summing up

Dear members of the jury

As I said before, thank you for being here; thank you for all the attention you have given us especially when so much of what has been talked about is so upsetting. I am sorry we have had to share it with you in this way rather than in more sympathetic circumstances.

I had not appreciated what a 'jury of your peers' really means until you all walked in here, and I have to say that I am glad that a verdict on what we did is entrusted to you. You are our community, and I am glad of it. It may sound unlikely standing here in the Crown Court but there is nowhere I would rather be, sharing with you what Polly Higgins, the lawyer behind the ecocide campaign, called the great work of our time. I feel confidence – not about your verdict, which is for you alone – but confidence in sharing this crisis with you.

For that is what this is. We are sharing this crisis with you. By undertaking an action that would result in our being judged by a jury, we are seeking justice not from the law but a verdict from our community - were we right or wrong, was our action justified or not? If the climate emergency is what we believe it is, and neither the judge nor the prosecution has raised any dispute about the mass of evidence on the climate emergency we have imposed upon you, what then should we do? Were we wrong to think that we are being failed by government, by business and the media, and - in this specific crisis - also being failed by the law? And if not, if we are right, then what can we all, as ordinary people, do together to remedy that? We are not here to insist we know best; we are here to share this question with you.

Our case is not strong in law but we feel it is strong in conscience: we would not be here if we had not acted on the basis of our conviction that we must do whatever it takes to make government recognise the *emergency* for what it is – not just a phrase for politicians' speeches, but a barely imaginable horror, no longer on some distant horizon, but unfolding in real time in the real and beautiful world all around us.

Members of the jury, on the face of it, this case is open and shut. With one or two minor exceptions, we do not dispute the prosecution evidence about what we did, and you have seen the evidence. We did intentionally and deliberately cause that damage. In law this is the simplest of cases; there is now officially no defence, there is nothing for you to discuss.

But I hope that, having listened so patiently to all the evidence, you do not find this case open and shut. I hope you agree that it is not simple at all. I hope that you will decide you must listen to your conscience as we have listened to ours, and that you will be in that jury

room arguing, yes, they did the damage, but yes, Shell *are* the real criminals, yes, the government is allowing business as usual to lead us over a cliff edge, and yes, the future is being stolen from our children and our descendants. And I hope you feel like I did in September 2018, when I heard that talk about the science: oh my god, I had no idea. And so then I hope you too will be thinking, what can I do now, with this moment I have been given?

You have been told that what we said to you by way of defence, or reasons, or excuse or explanation is not admissible in law. HH has allowed us to give our evidence about why we acted as we did, he has allowed you hear that evidence, but he has now told us and you that, whatever you may have thought about those motives and explanations, there is no *legal* defence for what we did. There may be no legal defence but obviously you cannot unhear all the *evidence* you have heard.

What HH has not said is that, because there is no defence in law, *therefore* you must find us guilty. The prosecution has said you must, but that is their job; he has not. She has given both you and us careful guidance on the law on the legal framework around criminal damage. And you have sworn to give a true verdict according to the *evidence* you have heard. But HH has not told you that you *must* find us guilty because, as he has said, he is not permitted to; it is, as he has said, for you to decide. You have the right to find us not guilty, and in these disastrous times, you may feel you have a duty, to act according to your conscience. The decision is yours alone.

You will recall that part of my evidence was that the law as it stands is failing to protect us and to protect life on earth. I have told you we broke the law because in this area the law is broken and our actions in April 2019 were intended to demonstrate that failure. Nothing has changed; those temperatures are still rising, the weather is still getting more dangerous and life-threatening, and the government still has no emergency plan; the climate emergency has never made it to the government's famous COBRA committee which, if you remember regularly met to decide how to deal with coronavirus.

We hope you will agree that the damage we caused was negligible compared to the damage being perpetrated by Shell. We hope you will agree we acted carefully and consciously, with love and with grief rather than with anger or malice. We hope you understand that we acted solely to raise the alarm; we had nothing to gain. We hope you believe that the situation is deadly serious and that you could make a difference by finding us Not Guilty.

I have referred in my evidence to what I know about the climate breakdown and the urgency of the threat it poses. That is, the evil I believe I acted to avoid. The prosecution has referred to this as subjective, as if it is just a personal belief, like bananas taste nicer than oranges. I hope you agree that the overwhelming scientific agreement on the climate

emergency and the chorus of eminently reasonable voices crying out for action, constitute not just a personal belief but a stark and terrible reality. This stuff is real; it is really happening: we need government and business to tell the truth and act as if the truth is real.

Members of the jury, we are all here together in a moment of history. Last year, we saw what an emergency looked like and what a government can do, spending billions to protect the population. The climate emergency is covid to the power of ten, of a hundred, a thousand. The warnings are all around us. We are living in a pivotal moment, everything is falling apart. This plane we are all on is coming down: do we nosedive or do we seek ways to prolong the glide and find some way to crash land and save as many lives as possible?

While our government – like all governments – avoids serious action, what can you or I do for our families, for our communities, for communities all across the world? All the experts say, recycling our rubbish, or buying a bike, or even going vegan, is not going to cut it – only action at a government scale will work. But today, there is something you can do.

Senan has already referred to Winston Churchill – how the suffragette Theresa Garnett, beat him with a horsewhip on Bristol station platform. I looked it up: as she did it, she said ‘Take that, for the insulted women of England.’ He was Home Secretary at the time – imagine that! Churchill may not have understood the cause of women’s suffrage, but he did understand the need to act when faced with a real threat of death and serious injury, with the rise of Hitler in the 1930s. In 1936 he gave a speech in Parliament in which he said:

Owing to past neglect, in the face of the plainest warnings, we have now entered upon a period of danger ... The era of procrastination [putting-off], of half-measures, of soothing and baffling expedients [manoeuvres], of delays, is coming to its close. In its place we are entering a period of consequences ... We cannot avoid this period; we are in it now.

We cannot avoid it, we are in that period of consequences right now. What do we do, what do we all do – you, me, HH, Ms Wilson and Ms Matthews?

Members of the jury, all of us in this courtroom are together facing a terrible threat to life on earth. Please trust to your conscience as we have trusted to ours. We acted to save life. If you find us not guilty you too will be acting with the same simple purpose.