



JUDICIARY OF
ENGLAND AND WALES

Sentencing remarks of District Judge Wright

**In the West London Magistrates' Court
Sitting at Willesden**

Crown Prosecution Service

- v -

**Robert Anthony Basto
Ella Gilbert
Richard Steven Hawkins
Cameron Joseph Kaye
Sheila Menon
Kara Laura Moses
Danielle Louise Paffard
Rebecca Holly Sanderson
Sam Sender
Melanie Strickland
Alistair Craig Tamlit
Edward Thacker
Graham Edward Jones Thompson**

24th February 2016.

1. Each of you falls to be sentenced for two offences, namely aggravated trespass contrary to section 68(1) and (3) of the Criminal Justice and Public order Act 1994 and entering a security restricted area of an aerodrome without permission contrary to section 21C(1)(a) of the Aviation Security Act 1982 . The first of those offences carries a maximum sentence of three months imprisonment and the second a fine.
2. Before dealing with the offences I want to say a little about each of you.
3. Robert Basto - you have two previous convictions which arise out of protests One is for aggravated trespass in 2011. You have been a longstanding campaigner on environmental issues and your views are described in the PSR as rigid. You have a wife who does not enjoy the

best of health and a mother who is suffering from dementia and who is not expected to live for long. You are her only visitor. Both would be considerably affected if you were made the subject of an immediate term of imprisonment. Your character references speak of your support for Friends of the Earth and your quiet, good humoured nature. You are self employed and I was told that your work takes you to the USA. I can not resist surmising that you may get there using air travel.

4. Ella Gilbert you are aged 23 and apart from a caution for a dissimilar matter you are of previous good character. You have has a masters degree in climate change and you are planning to undertake a PhD. You have undertaken charitable work and work as a freelance science editor. Your references speak of social conscience and commitment to equality and social justice.
5. Richard Hawkins – you are 33 years old and a man of previous good character. You are a director of a charity which provides advice on energy, the environment and economics. You have previously prepared evidence for Select Committees on climate change. I am advised that an immediate custodial sentence would have a detrimental effect upon your working life and upon the charity that you work for. Your references speak of your kindness, sincerity and your considerate and self effacing nature.
6. Cameron Kaye, you are aged 23 and are of previous good character. You have been campaigning against climate change since 2007. You have a degree in sustainable development and work as a community campaigner for the Heathrow villages. Your character references speak of your support for local residents in the area and of your intelligence.
7. Sheila Menon- you are a lady of previous good character and work as freelance film maker and environmental campaigner. You have health problems which you are due to start treatment for shortly. An immediate custodial sentence will undoubtedly delay the start of your treatment. Your references speak of you as an honest and principled individual with strong ethical beliefs and strong compassion for others.

8. Kara Laura Moses you are a lady of previous good character aged 32. You spent time in Madagascar and funded a local student to accompany you. You have worked for various charity organizations and are a committed environmental campaigner. You practice Buddhism and your references speak of you as informed, able, intelligent and passionately committed to having an impact on climate change. Unfortunately your pre sentence report indicates that you were concerned about supervision by the Probation Service referring to it in rather derogatory terms.
9. Danielle Paffard, you have two previous convictions for aggravated trespass in 2009 and 2012. They arise out of protests on environmental issues. You will reach your 29th birthday tomorrow and have a degree in Environmental Studies at Oxford. You currently work and your references refer to the fact that you organized “The Wave”, the largest demonstration on climate change in the United Kingdom.
10. Rebecca Sanderson, you are aged 28 and are of previous good character. you have a First Class honours degree and are currently working at a charitable research centre looking at environmental issues. I am told that you have found the proceedings stressful. Your character references speak of you as being a principled young woman of considerable ability.
11. Sam Sender, you are aged 24 and have no previous convictions. You have been a political protestor for some years and have worked for Global Justice Now. Your references speak of your honesty and commitment.
12. Melanie Strickland, you are aged 33 and a lawyer. You currently works as an advocate for a charity. Whatever the outcome of today’s sentencing exercise your conviction will have an impact upon you and it is not known what the SRA will say about your ability to practice on the future. Your referees include Natalie Bennett, leader of the Green Party. Those reference speak of you in glowing terms as a decent, honest and fundamentally good human being.
13. Alistair Tamlit, you are aged 27 and are of previous good character. You have campaigned on environmental issues and moved into the

Heathrow area to support the campaign against a third runway at Heathrow. You have worked as a volunteer in Europe, Turkey and South Africa. Your character references speak of your integrity and principles.

14. Edward Thacker, you are aged 26 and have geography degree. You are of previous good character. You also moved to Sipson to oppose the construction of a third runway at Heathrow. It was said on your behalf that you have dedicated your life to the community. In addition you have a young sister who is disabled and you play a pivotal role in her care, although I note you do not live with her.. Your references speak of your honesty and integrity, your kindness and caring nature.
15. Graham Thomson, you have a number of previous similar convictions in 2004, 2006 and 2013. In the last case you received a community order. You started working for Greenpeace in 2001 and have worked there ever since. Your references speak of you as dedicated, safe, altruistic, passionate and honest.
16. On 13th July 2015, during the early hours of the morning, you cut the perimeter fence surrounding Heathrow Airport and occupied the northern runway for a number of hours. You constructed a tripod and some of you attached yourselves to the structure and or to each other in order to make it difficult and more time consuming to remove you.
17. Each of you has long been concerned about climate change and its effects, and more particularly, the contribution of aviation emissions to global warming. You are each concerned about the contribution of Heathrow to aviation emissions and the impact of those emissions on the surrounding areas local to Heathrow.
18. You described your activities not as a protest but as direct action. That action was prompted by the Airports Commission Report, published on 1st July 2015, which recommended a third runway at Heathrow. You had feared that the report would reach this conclusion and, in anticipation that its recommendations would not be as you had hoped, your plans to carry out this protest were being made long before 1st July 2015.

19. Your plans were carefully orchestrated. You took the equipment you needed to give effect to your plans, you called the police to inform them that you were there in order to secure your own safety and I have no doubt to mitigate the clear risk of danger to others as a result of the actions you took. Some of you contacted the press and issued a press release in order to publicize your campaign.
20. It was your clear and stated intention to cause as much disruption as possible to the flight schedule for that day. To a very significant extent you achieved your aim.
21. The protest caused disruption to flights both incoming and outgoing. 25 flights were cancelled altogether and I heard evidence that there were significant delays caused to other flights during the morning of 13th July for which you were entirely responsible. During the afternoon there were further delays for which your actions were a contributory factor. In total 92,000 passengers flying into or out of Heathrow had their journeys disrupted to some extent that day. I was told this number did not take account of those whose flights were disrupted elsewhere as a result of what had happened at Heathrow. Each and every one of the people who had their journeys disrupted was a victim of your activities. For some the disruption would have been no more than a short delay which was little more than an inconvenience. However, people fly for wide variety of reasons, not just for holidays or business, but to attend sick and dying relatives, to attend funerals and so forth. It isn't unreasonable to assume that some would have been making connecting flights and that delays and cancellations would have caused stress and anxiety to those who were concerned about the impact of a delay on those connections.
22. You caused damage to the perimeter fence and left detritus on the runway which had to be cleared before that part of the runway was able to be safely used.
23. You occupied the emergency runway for that night. This meant that if there had been an emergency landing a diversion to the southern runway which was not at that time open would have been required.

24. Heathrow Airport staff had to be deployed to deal with the incident and resources such as snow ploughs were put in place to protect you. The police and the fire service attended.
25. Although I have no information in front of me about the costs of the actions you took either to Heathrow Airport, the airlines affected or to the wider travelling public, I don't think it is unreasonable to assume that the prosecution assertion that the costs were immense are nonetheless true.
26. I acknowledge that you have, for various periods of time, but in all cases for some years, engaged in activities designed to bring to the attention of those with the power to effect change, the pressing need to do something about climate change. All of you have campaigned by attending protests; most of you have lobbied politicians; Some of you have adjusted your lifestyles to reduce your carbon footprint. Some of you are working either full time or part time in occupations or on projects designed to tackle the problems of climate change and some work particularly in the field of trying to reduce carbon emissions from aviation. Some of you have moved to the villages surrounding Heathrow to join the campaign against the building of a third runway at Heathrow.
27. There can be no doubt that you are all very committed to tackling the problems of global warming and that you acted as you did on the 13th July in what you genuinely believed was in the best interests of the public and society as a whole. You are all principled people. As I said when I found you guilty I accept that you are people of integrity.
28. I have received references on behalf of each of you which speak in glowing terms about your character and I can't fail to be impressed by the quality of those references or the people who were willing to attest to your character as decent people.
29. Most of you are people with no previous convictions.
30. I have to have regard to the purposes of sentencing as set out in the Criminal Justice Act 2003 :punishment, the reduction of crime, reform and rehabilitation, the protection of the public from harm and reparation. In the present case reform and rehabilitation doesn't really

arise. I am unlikely to pass a sentence which will alter your beliefs or your pride in what you did. I can not pass a sentence which will come anywhere near effective reparation making amends for the losses you caused. I am therefore concerned to protect the public from similar harm, the reduction of crime and appropriate punishment.

31. The fact that you are principled and hold strong views about what is in the best interests of the public does not mean you are entitled to break the law. It does not mean that criminal offences will go unpunished or that the courts should ignore the impact of your activities on others.
32. There are no sentencing guidelines for aggravated trespass. The maximum sentence is 3 months imprisonment. I am required to look at culpability and harm. Your culpability is high. It is true that you had regard to safety and called the police to alert them to your presence for reasons of safety, but these offences were carefully orchestrated, timed for a date which was convenient to you, and designed to cause the maximum possible disruption to flights on that day. You timed the protest for 3.45 am shortly before the first planes were due to land. It was no thanks to any of you that you were removed as quickly as you were. Although it has been suggested on your behalf that the planned nature of the offence is a mitigating feature because it made the action less likely to lead to harm, I am afraid that I can not accept this as a sensible argument.
33. The level of harm was also high in the context of this type of offence. 92,000 victims. There is no question that when looking at the offence of aggravated trespass it is difficult to imagine a more serious offence. I can not accept Mr Summers assertion that it would be more serious if you were there to plot criminal offences or carry out activities. If that were the case then other charges would follow and different sentencing guidelines would apply.
34. I find that the offence was so serious that it crosses the custody threshold. I have been referred to the case of Jones and others [2006] UKHL 16 in which Lord Hoffman made the following observation “civil disobedience on conscientious grounds has a long and honourable history in this country.it is the mark of a civilized community that it

can accommodate protests and demonstrations of this kind. But there are conventions which are generally accepted by the law breakers on one side and the law enforcers on the other. The protestors behave with a sense of proportion and do not cause excessive damage or inconvenience. And they vouch the sincerity of their beliefs by accepting the penalties imposed by the law. The police and prosecutors, on the other hand, behave with restraint and the magistrates impose sentences which take the conscientious motives of the protestors into account.”

35. I am afraid, given the wholly foreseeable disruption that your actions caused, you overlooked your part in the bargain. You did cause excessive inconvenience to a large number of people.
36. I have also been referred to the case of Jones [2006] EWCA Crim 2942 which involved defendants who had demonstrated on the railway in London. The Court of Appeal reduced sentences passed on demonstrators who disrupted railway journeys, in some cases to conditional discharges. I acknowledge the comments made in that case but I must have regard to the victims in this case and the level of disruption you caused.
37. It has also been suggested to me that the two cases, together with Lord Hoffman’s words at paragraph 89 of that judgment in Jones set a convention. One which means that a conditional discharge is the appropriate sentence for civil disobedience; that imposing custodial sentences in these cases is taking us back to a Victorian age. Again, I disagree. I do not interpret Lord Hoffman’s words as limiting sentences in such cases to the very lowest end of the sentencing range. Rather it is a recognition that such cases require mature reflection. And a requirement to look at the aggravating and mitigating factors in each case.
38. My starting point for the aggravated trespass offence is therefore 13 weeks imprisonment. I will reduce that to allow for the fact that you took measures to reduce any safety risks caused by your actions. I will further make considerable allowance and reduce the sentence to allow for the positive good character set out before me in the references.

That brings the sentence I would impose in all cases to six weeks imprisonment.

39. I turn now to consider the question of whether I can suspend the sentences.
40. Giving you all credit for your genuinely held beliefs and the fact that you acted according to your conscience and taking into account the disruption to your lives and to those of your families that an immediate custodial sentence would cause, coupled with the fact that I believe a suspended sentence will provide a significant deterrent effect, I am prepared to suspend the sentence. I am not going to distinguish at this stage between those of you have antecedents and those who don't and you will all be sentenced to 6 weeks imprisonment suspended for 12 months. You will all be subject to community requirements which are that for the 12 month period you will be excluded going within 500 meters of any terminal building of Heathrow Airport and within 5 meters of the perimeter fence surrounding Heathrow Airport. In addition you will be required to carry out unpaid work. For those of you with no previous convictions the unpaid work requirement will be 120 hours. For those of you with antecedents, Mr Thompson, Ms Paffard and Mr Basto, the unpaid work requirement will be for a total of 180 hours.
41. For entering a security restricted area of an aerodrome without permission contrary to section 21C(1)(a) of the Aviation Security Act 1982 there will be no separate penalty.

-ENDS-