



Convention on Access to Information,
Public Participation in Decision-making and
Access to Justice in Environmental Matters
(Aarhus Convention)

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Michel Forst
UN Special Rapporteur on environmental defenders under the Aarhus Convention

Ref: ACSR/C/2023/19 (United Kingdom of Great Britain and Northern Ireland)
(Please use this reference in your reply)

24 April 2024

Excellency,

I have the honour to address you in my capacity as UN Special Rapporteur on environmental defenders under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention).

As you may be aware, article 3 (8) of the Aarhus Convention requires that “Each Party shall ensure that persons exercising their rights in conformity with the provisions of this Convention shall not be penalized, persecuted or harassed in any way for their involvement.” The United Kingdom of Great Britain and Northern Ireland (United Kingdom) has been a Party to the Aarhus Convention since 2005.¹

At its seventh session (Geneva, 18–21 October 2021), the Meeting of the Parties to the Aarhus Convention adopted decision VII/9 on a rapid response mechanism to deal with cases related to article 3 (8) of the Convention.² Decision VII/9 establishes the rapid response mechanism in the form of an independent Special Rapporteur on environmental defenders under the authority of the Meeting of the Parties. At its third extraordinary session (Geneva, 23–24 June 2022), I was elected, by consensus, by the Meeting of the Parties as the Convention’s Special Rapporteur on environmental defenders.

In accordance with the mandate in decision VII/9, I write to bring to your attention information I have received concerning the alleged persecution, penalization and harassment of twenty members of the public, listed in the Annex to this letter, in connection with the exercise of their rights under the Aarhus Convention.

The members of the public jointly submitted a complaint to my mandate in relation to their participation in a peaceful protest organized by Just Stop Oil on the M25 motorway in early November 2022, as discussed in further detail below. The aim of the protest was to call for an end to oil and gas licensing in the United Kingdom.

Based on the information received, in light of their participation in peaceful environmental protest, the members of the public subject to this complaint are environmental defenders within the meaning of the ninth preambular paragraph of decision VII/9.³ For purposes of this letter, I will

¹ See https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XXVII-13&chapter=27&clang=en.

² Available at: https://unece.org/sites/default/files/2022-01/Aarhus_MoP7_Decision_on_RRM_E.pdf.

³ Ibid.

therefore refer to the twenty individuals who are the subjects of this complaint, as named in the Annex, as “the environmental defenders” in short.

According to the information received, the environmental defenders under this complaint have been subjected to both civil and criminal proceedings as a result of their participation in peaceful environmental protest, combined with significant periods of time on remand in prison and subsequent stringent bail conditions as well as other forms of alleged repression. The below sets out the information received, describing both common characteristics in the alleged penalization, persecution or harassment suffered by the group of environmental defenders as well as setting out the individual situation of the environmental defenders without being an exhaustive description of their individual circumstances:

Peaceful protest on the M25 motorway

1. Between 7 and 10 November 2022, the environmental defenders under this complaint took part, together with other members of the public, in a protest organized by Just Stop Oil, on the gantries over the carriageway on the M25 motorway to protest the United Kingdom’s continued granting of oil and gas licenses. While the nature and duration of the environmental defenders’ involvement in the protest varied, the protesters did not use any form of violence. In response to the protest, the authorities halted traffic on the motorway in both directions.
2. The environmental defenders were arrested during the protest and charged with breaching section 78 (1) of the Police, Crime, Sentencing and Courts Act 2022 for intentionally or recklessly causing a public nuisance.
3. In addition, as set out in further detail below, on 5 November 2022, the state-owned company National Highways, represented by the law firm DLA Piper, sought and obtained, on a without notice basis, a civil injunction restraining anyone from going onto a structure on the M25 motorway. Following the protest, National Highways initiated court proceedings against the environmental defenders for breach of the civil injunction.
4. The criminal prosecutions and civil injunction proceedings against the environmental defenders for the M25 protest on 7-10 November 2022 are outlined below.

A. Criminal prosecutions, lengthy remands and severe bail conditions

5. Based on the information received, each of the twenty environmental defenders under this complaint were charged with causing a public nuisance in breach of section 78 (1) of the Police, Crime, Sentencing and Courts Act 2022. The following sets out some of the serious consequences experienced by the environmental defenders in connection with their criminal charges:

I. Lengthy remands in prison

6. Some of the environmental defenders were remanded to prison for a significant period of time before being granted bail. This includes the following prolonged remand periods:
 - a. Mr. Paul Bell: 39 days
 - b. Ms. Catherine Rennie-Nash: 44 days
 - c. Ms. Mair Bain: six weeks

- d. Mr. Samuel Price: nine weeks
 - e. Mr. Callum Goode: eleven weeks
 - f. Mr. Jan Goodey: three months
7. In addition, based on the information received, Ms. Rachel Payne was allegedly remanded for eight days to solitary confinement for twenty-three hours per day in a male prison before being transferred to a prison for female prisoners.
 8. Moreover, based on the information received, following his submission of an early guilty plea, Mr. Kai Arne Springorum was held in prison for seven days despite the presiding judge having ordered Mr. Springorum's immediate release. Mr. Springorum filed an official complaint in relation to his alleged unlawful imprisonment in March 2023. He received an acknowledgement of receipt of his complaint approximately one year later, in or around April 2024, but has received no further information regarding the outcome of his complaint to date.

II. Severe bail conditions

9. Following their release on bail, the environmental defenders were subjected to a range of different bail conditions. Based on the information received, in addition to most of the environmental defenders being prohibited from entering as a pedestrian, or coming within a certain distance of, the M25 motorway (and, for some of the environmental defenders, any other motorway) and from carrying with them any climbing gear or other equipment that could be used to affix themselves to any fixtures, other commonly imposed conditions include the following:

a. Curfews

10. At least twelve out of the twenty defenders⁴ have been subjected to curfews and/or ordered to live and sleep at their registered home address for extended periods of time. For example:
 - a. Mr. Paul Bell: subject to an 8pm – 6am curfew for 176 days;
 - b. Ms. Mair Bain: subject to a 10pm – 6am curfew for three months;
 - c. Mr. George Cattell: subject to a 10pm – 6am curfew for four months;
 - d. Mr. Michael Dunk: required to live and sleep at specified home address for 186 days;
 - e. Ms. Theresa Higginson: for four months (10 November 2022 to 2 February 2023), subject to a curfew of 7pm – 6am seven days per week. As at the date of the present letter, she is still required to live and sleep at specified home address.

b. Restrictions on freedom of movement

11. In addition to curfews, at least six of the environmental defenders⁵ were subjected to additional restrictions in their freedom of movement. This includes the following:

⁴ Ms. Mair Bain, Mr. Paul Bell, Mr. George Cattell, Mr. Andrew Dames, Mr. Michael Dunk, Mr. Callum Goode, Ms. Diana Hekt, Ms. Theresa Higginson, Ms. Charlotte Kirin, Ms. Rachel Payne, Mr. Samuel Price, and Ms. Catherine Rennie-Nash.

⁵ Ms. Mair Bain, Mr. Andrew Dames, Mr. Callum Goode, Ms. Charlotte Kirin, Ms. Theresa Higginson, and Mr. Kai Arne Springorum.

- a. Ms. Mair Bain: bail condition not to enter the London Borough of Westminster;
 - b. Mr. Andrew Dames: bail condition to remain “with” the boundary of the M11, A14, A11 and A505 except to attend court or travel home from court;
 - c. Mr. Callum Goode: bail condition not to leave the county of Derbyshire, in place for at least three months;
 - d. Ms. Theresa Higginson: bail condition not to enter the county of Essex, in place for over 14 months.
12. The bail conditions of Mr. Kai Arne Springorum, a German and Czech national, included the condition “not to hold” his passport (i.e. he had to relinquish it to the British authorities) and not to go to any port, airport or even train station between his release on bail and sentencing hearing (a period of over one month).

c. Electronic monitoring

13. Based on the information received, in order to monitor the above bail conditions on curfew and other restrictions on their freedom of movement, at least seven of the environmental defenders⁶ were ordered to wear an electronic ankle tag for extended periods of time. For example:
- a. Mr. Michael Dunk and Mr. Paul Bell, were each required to wear electronic ankle tags for periods of approximately six months;
 - b. Ms. Theresa Higginson was required to wear an electronic ankle tag for over 14 months to monitor that she did not enter the county of Essex.

d. Police reporting conditions

14. Based on the information received, in addition to his curfew and electronic ankle tag, Mr. Paul Bell was also required to report to the police station between specified hours three times per week for nearly six months (21 December 2022 to 14 June 2023).

III. Delays in pending criminal trials; custodial sentences for early guilty pleas

15. More than fifteen months after their arrest, fourteen of the twenty environmental defenders are still awaiting their criminal trials regarding their charges under section 78 of the Police, Crime, Sentencing and Courts Act 2022.
16. Based on the information received, of the twenty environmental defenders charged under section 78 of the Police, Crime, Sentencing and Courts Act 2022, five submitted early guilty pleas concerning the criminal charges brought against them, namely Mr. Alfred Beswick, Mr. Jan Goodey, Mr. Samuel Price, Mr. Kai Arne Springorum and Mr. Anthony Whitehouse. These environmental defenders have been sentenced as follows:
- a. Mr. Alfred Beswick and Mr. Jan Goodey each: six months custodial sentence (18 months suspended), and 100 hours of community service;

⁶ Ms. Mair Bain, Mr. Paul Bell, Mr. George Cattell, Mr. Andrew Dames, Mr. Michael Dunk, Ms. Theresa Higginson, and Ms. Charlotte Kirin.

- b. Mr. Samuel Price: five months custodial sentence (18 months suspended), and 80 hours of community service;
 - c. Mr. Kai Arne Springorum: six months suspended custodial sentence;
 - d. Mr. Anthony Whitehouse: six months custodial sentence (two years suspended), and prohibition to go near the M25 motorway for two years.
17. Based on the information received, the charges against Ms. Lucy Cooper under section 78 have been dropped. The remaining fourteen environmental defenders⁷ still await their criminal trial.

B. Civil injunction

18. As mentioned above, on 5 November 2022, National Highways, represented by the law firm DLA Piper, applied to the High Court, on an urgent and without notice basis, seeking a civil injunction restraining Just Stop Oil and “persons unknown” from:
- a. entering or remaining upon or affixing themselves or any object to any Structure on the M25 Motorway;
 - b. causing, assisting, facilitating or encouraging any other person to enter or remain upon or affix themselves or any object to any Structure on the M25 Motorway.
19. Justice Chamberlain granted the injunction (the M25 Structures injunction) on 5 November 2022.
20. The injunction contained a penal notice that anybody disobeying the order “may be held to be in contempt of court and may be imprisoned, fined or have your assets seized”.
21. By order dated 28 November 2022, Justice Soole amended the injunction to add 65 named defendants, in addition to the “persons unknown”, and to remove Just Stop Oil from the injunction (since it does not have legal personality). Of the 65 named defendants, nineteen are environmental defenders subject to the present complaint.
22. By order dated 1 March 2023, an additional two named defendants were added to the injunction. One of the two named defendants added was Ms. Lucy Cooper, an environmental defender subject to the present complaint.
23. Following the protests on the M25 on 7–10 November 2022, DLA Piper on behalf of National Highways filed various applications for contempt of court against members of the public who had participated in the Just Stop Oil protests on the basis that doing so was in breach of the injunction. The total number of 44 defendants, including the twenty environmental defenders subject to this complaint, were divided into three trial groups, with the trial for the first group having taken place in late October 2023.

⁷ Ms. Mair Bain, Mr. Paul Bell, Mr. George Cattell, Mr. Andrew Dames, Mr. Michael Dunk, Mr. Tom Gardener, Mr. Callum Goode, Ms. Diana Hekt, Ms. Theresa Higginson, Ms. Charlotte Kirin, Mr. Daniel Mifsud, Ms. Anna Retallack, Ms. Rachel Payne, and Ms. Catherine Rennie-Nash.

I. Trial Group I: court judgment

24. The first group of twelve defendants included four environmental defenders who are subject to the complaint: Ms. Charlotte Kirin, Ms. Mair Bain, Ms. Theresa Higginson and Mr. Paul Bell.
25. Following a hearing lasting five days, on 30 October 2023 the High Court held all twelve defendants to be in contempt of court for breaching the injunction.
26. National Highways submitted evidence to the Court that it had incurred legal costs of £229,525 to bring the contempt of court proceedings against the first group. It sought a costs award of £58,800 against the first group.
27. The Court accepted that six of the twelve defendants, including Ms. Kirin and Ms. Higginson, did not have knowledge of the injunction prior to or during the action and therefore imposed no sanction.
28. The Court however held that the remaining six defendants had knowledge of the injunction either before or while they were on the action. These included Mr. Bell and Ms. Bain, who received suspended sentences as well as significant cost orders of £3,500 and £3,000 respectively.

II. Trial Groups II and III: settlement offer

29. Ahead of the hearings for trial groups II and III, DLA Piper acting on behalf of National Highways proposed a settlement offer to the defendants in those groups, whereby National Highways would drop its claims against the defendants in return for their undertaking not to engage for a period of two years in any of the following conduct in relation to the “Claimants Roads” as defined in the undertaking:
 - a. Blocking or endangering or preventing the free flow of traffic on the Roads for the purposes of protesting by any means including by my presence on the Roads or affixing myself to the Roads or any object or person, abandoning any object, erecting any structure on the Roads or otherwise causing, assisting, facilitating or encouraging any of those matters.
 - b. Causing damage to the surface of or to any apparatus on or around the Roads including by painting, damaging by fire, or affixing any structure thereto.
 - c. Entering on foot those parts of the Roads which are not authorized for access on foot, other than in cases of emergency.
30. Eleven of the sixteen environmental defenders subject to this complaint in trial groups II and III were offered the opportunity to sign the above undertaking.
31. Ten of the sixteen environmental defenders have signed the undertaking. One environmental defender offered the undertaking has to date refused to sign it, namely Mr. Callum Goode.
32. Five of the environmental defenders subject to this complaint were not offered the undertaking on the ground that they had either been personally served with the injunction or admitted knowledge of the injunction, namely Mr. Jan Goodey, Ms. Diana Hekt, Ms. Catherine Rennie-Nash, Mr. Kai Arne Springorum and Mr. Anthony Whitehouse.

C. Electronic surveillance

33. In addition to the criminal and civil proceedings and related consequences described above, based on the information received at least four of the environmental defenders subject to the complaint have been subject to electronic surveillance.
34. On 3 May 2023, Mr. Tom Gardener, Mr. Daniel Mifsud, Mr. Samuel Price and Ms. Catherine Rennie-Nash received an email from Zoom stating the following:

“Dear Zoom User,

This is to let you know that we have received legal process from a law enforcement agency seeking information related to your account and/or usage of Zoom. Zoom processes law enforcement requests like this one in accordance with our publicly available Government Requests Guide (available here: [...]). Consistent with that guide, Zoom has granted this request. We are not in a position to give legal advice, but if you have questions about the request, we suggest you reach out directly to: Metropolitan Police Service [contact details omitted].”

35. Based on the information received, the surveillance of the abovenamed environmental defenders’ Zoom accounts and/or usage may remain ongoing as at the date of the present letter.

Without prejudging the accuracy of the above allegations, I am gravely concerned about the serious consequences faced by the twenty environmental defenders subject to this complaint as a result of their participation in peaceful environmental protest. If proven to be accurate, the information set out above may constitute penalization, persecution or harassment of the environmental defenders engaged in peaceful environmental protest in breach of article 3 (8) of the Aarhus Convention.

I am particularly concerned about the following aspects:

1. The State’s use of both civil and criminal proceedings, thereby sanctioning environmental defenders twice for the same event

I am deeply concerned that the environmental defenders under this complaint have been subject to both criminal and civil proceedings by State entities of the United Kingdom for their participation in the M25 gantry protest on 7–10 November 2022. I fail to see how the pursuit by State entities of environmental defenders through both civil and criminal proceedings for the same peaceful environmental protest is reasonable, proportionate and pursues a legitimate public purpose.⁸

In this regard, I note that, in November 2021, the United Kingdom government stated that the use of civil injunctions was “a short-term solution to tackle the highly disruptive protests we have seen over the last few weeks and the government has committed to legislating to prevent these kinds of guerrilla tactics in the long-term through the Police, Crime, Sentencing and Courts Bill.”⁹ The Police, Crime, Sentencing and Courts Act entered into force in 2022. Based on the United Kingdom government’s own statement, civil injunctions should therefore no longer be used against members of the public engaged in peaceful protest.

⁸ See the Compliance Committee’s findings on communication ACCC/C/2014/102 (Belarus), ECE/MP.PP/C.1/2017/19, paras. 68-69, available at: <https://unece.org/fileadmin/DAM/env/pp/compliance/CC-58/ece.mp.pp.c.1.2017.19.e.pdf>.

⁹ See <https://www.gov.uk/government/news/government-takes-out-first-nationwide-injunction-against-climate-activists-blocking-key-roads>.

2. Disproportionate sanctions under section 78 of Police, Crime, Sentencing and Courts Act

Pursuant to section 78 (4) of the Police, Crime, Sentencing and Courts Act 2022, a peaceful environmental protester could be sentenced to up to 10 years in prison, to an unlimited fine, or both. I am deeply concerned that section 78 (4) therefore places environmental defenders at grave risk of disproportionate criminal sanctions merely for peacefully exercising their fundamental rights.

Moreover, given that, more than seventeen months after the M25 gantry protest, fourteen of the environmental defenders still await their criminal trials, the threat of having such disproportionate sanctions hanging over them for such an extended length of time may have serious repercussions on the environmental defenders' mental wellbeing.

3. Excessive costs for contempt of court proceedings

While in its judgment of 30 October 2023, the High Court ultimately awarded a lower sum, the fact that National Highways' lawyers submitted a statement of costs of £229,525, and sought a costs order of £58,800, merely to bring contempt of court proceedings against twelve peaceful environmental protesters is striking. The seeking of excessive legal costs is a known litigation tactic through which to intimidate and threaten other parties to a court proceeding. It is highly concerning to me that National Highways, a State-owned company, and its lawyers DLA Piper, appear to have used this tactic to intimidate and threaten peaceful environmental protesters.

Even the lower costs figure awarded by the High Court against the environmental defenders that it held to have had knowledge of the civil injunction (e.g. £3,500 against Mr. Paul Bell and £3,000 against Ms. Mair Bain) is a large amount of money for each of the individuals concerned and may amount to a significant penalization for them seeking to exercise their fundamental right to engage in peaceful environmental protest.

4. Custodial remand for peaceful environmental protest

In accordance with international human rights law, custodial remand "shall be used as a matter of last resort in criminal proceedings".¹⁰ Measures less severe than detention have to be considered first and found to be insufficient to safeguard the individual or public interest.¹¹ Even then, for such a serious measure as custodial remand to be proportionate, the offence in question must be of "a serious nature, entailing danger to life and limb or significant material damage".¹²

I therefore have serious doubts that imposing any duration of custodial remand on peaceful environmental protesters satisfies the test of being reasonable, proportionate and pursuing a legitimate purpose,¹³ let alone the very lengthy custodial remands to which some of the environmental defenders under this complaint were subjected.¹⁴ Since it is clear that the environmental defenders under this complaint were engaged in purely non-violent action, it would appear, on its face, that the intention behind subjecting them to custodial remand was either to punish them upfront in advance of their criminal trials or to hold them in prison in order to prevent them exercising the fundamental right to engage in peaceful protest.

¹⁰ [United Nations Standard Minimum Rules for Non-Custodial Measures](#), adopted by General Assembly resolution 45/110 of 14 December 1990, rule 6.1; see also European Convention on Human Rights, article 5 (1) (c).

¹¹ See judgment by the European Court of Human Rights, *S., V. and A. v. Denmark* [GC], 2018, para. 161.

¹² *Ibid.*, para. 161.

¹³ See the Compliance Committee's findings on communication ACCC/C/2014/102 (Belarus), ECE/MP.PP/C.1/2017/19, paras. 68-69.

¹⁴ For example, Mr. Paul Bell (39 days); Ms. Catherine Rennie-Nash (44 days); Ms. Mair Bain (six weeks); Mr. Samuel Price (nine weeks); Mr. Callum Goode (eleven weeks); and Mr. Jan Goodey (three months).

5. Harsh bail conditions

Based on the information received, twelve out of the twenty environmental defenders under this complaint were subject to bail conditions imposing a strict curfew and/or requiring them to live and sleep at their home address every night. At least seven of the environmental defenders were required to wear an electronic ankle tag and at least six were prohibited from entering particular parts of the country. One environmental defender was required to report to a police station three times per week for nearly eighteen months,¹⁵ and another had to relinquish his passport and was not allowed to go to any airport, port or train station.¹⁶

Bail conditions that impose a curfew, require the accused to sleep at a particular address each night or to report to a police station on a recurring basis operate, in effect, as travel bans. Home curfews prevent the accused from the possibility to stay overnight with friends, family members or to take even the briefest of holidays. They therefore constitute a significant restriction on their freedom of movement and their right to a private and family life. I cannot see how imposing such harsh bail conditions on peaceful environmental defenders is objective, reasonable, proportionate or serves a legitimate purpose. Rather, such bail conditions seem on their face to be intended as punitive. That is clearly not the legitimate purpose of a bail condition.

6. Delays in criminal trials

More than 17 months after their arrest, fourteen of the twenty environmental defenders are still awaiting their criminal trials. The trials of several environmental defenders will not take place until May 2025¹⁷ or September 2025¹⁸. Having their criminal trial hanging over them for such an extended period is highly stressful and a significant psychological burden and prevents those environmental defenders moving forward with other aspects of their lives.

7. Prison sentences for peaceful environmental protest

Based on the information received, all five of the environmental defenders who entered early guilty pleas to their charges under section 78 (1) of the Police, Crimes, Sentencing and Courts Act 2022 for their involvement in the M25 gantry protest have received, in addition to other sanctions, prison sentences of five or six months.¹⁹ I am deeply troubled that the courts of the United Kingdom are imposing prison sentences on members of the public exercising their fundamental right to engage in peaceful environmental protest.

8. Disclosure of confidential police records to National Highways and its lawyers

Based on the information received, the names of the persons listed in the order dated 28 November 2022 of Justice Soole were provided to DLA Piper, National Highways' lawyers, by the United Kingdom police. I am deeply troubled at the apparent willingness of the United Kingdom police to share confidential police records about members of the public arrested at peaceful environmental protests with third parties like DLA Piper and National Highways, without those members of the public's prior knowledge or consent. This is particularly troubling given that National Highways and DLA Piper then, on a without notice basis, applied to the court to have the names provided by the police

¹⁵ Mr. Paul Bell.

¹⁶ Mr. Kai Arne Springorum.

¹⁷ Mr. Callum Goode, Ms. Catherine Rennie-Nash and Ms. Anna Retallack.

¹⁸ Mr. Andrew Dames, Mr. Michael Dunk and Ms. Rachel Payne.

¹⁹ Mr. Alfred Beswick, Mr. Jan Goodey, Mr. Kai Arne Springorum and Mr. Anthony Whitehouse: six months custodial sentence; Mr. Samuel Price: five months custodial sentence.

added to the civil injunction dated 5 November 2022, thereby exposing the named persons to the risk of imprisonment or unlimited costs for the injunction's breach.

In this context it is important that I draw to your attention the findings of the Aarhus Convention Compliance Committee, which have held that article 3 (8) of the Convention "is not limited in its application to acts of public authorities as defined in article 2, paragraph 2, of the Convention, but rather covers penalization, persecution or harassment by any State body or institution, including those acting in a judicial or legislative capacity. It also covers penalization, persecution or harassment by private natural or legal persons that the Party concerned did not take the necessary measures to prevent."²⁰ This means that the United Kingdom is bound by article 3 (8) of the Convention to ensure that persons are not penalized, persecuted or harassed in any way for exercising their rights under the Convention. This covers the conduct of the courts and judiciary, the prosecution service and the police, as well as of National Highways, a State-owned company, and DLA Piper, their private firm lawyers.

As it is my responsibility, under the mandate entrusted to me by the Meeting of the Parties to the Aarhus Convention, to seek to clarify all complaints brought to my attention, I would be grateful for your response to the following matters:

1. Please provide any information and/or comments you may have on the allegations set out in the present letter.
2. Please provide information as to steps taken, if any, to ensure the criminal proceedings against the environmental defenders subject to this complaint under section 78 of the Police, Crime, Sentencing and Courts Act 2022 are immediately halted and any bail conditions still in force are immediately lifted.
3. Please provide information as to steps taken, if any, to conduct a thorough internal investigation of the proportionality of the bail conditions and other sanctions imposed on the environmental defenders in the context of the criminal proceedings against them under section 78 of the Police, Crime, Sentencing and Courts Act 2022, and, if found to be disproportionate or having failed to pursue a legitimate purpose in violation of the United Kingdom's international legal obligations, including its obligation under article 3 (8) of the Aarhus Convention, to provide compensation to the victims. This includes, but is not limited to:
 - a. The extensive periods in prison on remand, including of Ms. Mair Bain, Mr. Paul Bell, Mr. Callum Goode, Mr. Jan Goodey, Ms. Catherine Rennie-Nash and Mr. Samuel Price;
 - b. The remand of Ms. Rachel Payne for eight days in a male prison and under solitary confinement for twenty-three hours per day;
 - c. The disproportionate bail conditions, such as the restrictions on environmental defenders' freedom of movement, including of Ms. Mair Bain, Mr. Andrew Dames, Mr. Callum Goode and Ms. Theresa Higginson, and the electronic monitoring of environmental defenders, including of Mr. Michael Dunk and Mr. Paul Bell, for over six months, and of Ms. Theresa Higginson, for more than fourteen months;
 - d. The alleged unlawful imprisonment of Mr. Kai Arne Springorum following his guilty plea, despite the Court's order that he be released.
4. Please provide information as to the United Kingdom's plans, if any, to amend or repeal section 78 of the Police, Crime, Sentencing and Courts Act 2022 to ensure members of the public

²⁰ See the Compliance Committee's findings on communication ACCC/C/2014/102 (Belarus), ECE/MP.PP/C.1/2017/19, para. 70.

engaging in peaceful environmental protest are no longer at risk of criminal prosecution for the legitimate exercise of their fundamental human rights.

5. Please provide information on the measures taken to ensure that the United Kingdom police are prohibited from passing confidential information regarding the names of members of the public arrested for engaging in peaceful environmental protest on to third parties like National Highways and its lawyers.
6. Please provide information on the safeguards in place to ensure members of the public subject to civil injunctions covering “persons unknown”, such as the one obtained on 5 November 2022 by DLA Piper on behalf of National Highways, are notified of the existence of the injunction and thus can plan their actions accordingly.
7. Please provide information on measures in place, if any, to hold law firms, such as DLA Piper, to account for their own involvement in the penalization, persecution or harassment of environmental defenders.
8. Please provide information as to other steps taken, if any, in response to this letter.

I would appreciate receiving your response within 60 days, that is by **23 June 2024**. After this date, the present letter and the response received from your Excellency’s Government may be made public on the Aarhus Convention’s website.²¹ They will also subsequently be reported upon in my report to the eighth session of the Meeting of the Parties in 2025.

While awaiting your response, I urge that all necessary interim measures be undertaken to halt the alleged persecution, penalization and harassment of the twenty environmental defenders listed in the Annex and to prevent any further occurrences. In this regard, your Excellency’s Government should take great care, when looking into the allegations in the present letter, that nothing is done that could put the environmental defenders at risk of further persecution, penalization or harassment.

In the event that your investigations support or suggest the allegations to be correct, I urge you to ensure the prompt cessation of the alleged persecution, penalization and harassment of the environmental defenders and to ensure the accountability of any person(s) responsible therefor.

In this context, I would like to remind you of the right of everyone, individually or in association with others, to unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights. In Resolution 24/24 of 9 October 2013 and other resolutions,²² the United Nations Human Rights Council has urged States to refrain from all acts of intimidation or reprisals, to take all appropriate measures to prevent the occurrence of such acts. This includes the adoption and implementation of specific legislation and policies in order to promote a safe and enabling environment for engagement with the United Nations on human rights, and to effectively protect those who cooperate with the United Nations. The Human Rights Council has also called on States to ensure accountability for reprisals by providing access to remedies for victims and preventing any recurrence. It has also called on States to combat impunity by conducting prompt, impartial and independent investigations, pursuing accountability, and publicly condemning all such acts.²³ I also remind you that the United Nations has established a dedicated office to address reprisals and other forms of intimidation against those cooperating with the United Nations.²⁴

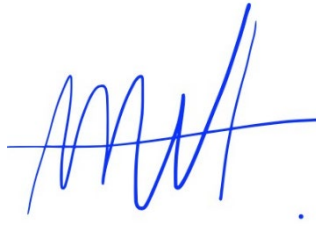
²¹ <https://unece.org/environmental-policy/public-participation/correspondence-regarding-complaints-special-rapporteur>.

²² Human Rights Council Resolutions 12/2, 24/24, 36/21, and 42/28.

²³ Ibid.

²⁴ Available at: <https://www.ohchr.org/en/reprisals>.

Please accept, Excellency, the assurances of my highest consideration.

A handwritten signature in blue ink, consisting of stylized, overlapping loops and a long horizontal stroke extending to the right.

Michel Forst

UN Special Rapporteur on environmental defenders under the Aarhus Convention

To: His Excellency, Lord David Cameron, Secretary of State for Foreign, Commonwealth and Development Affairs of the United Kingdom of Great Britain and Northern Ireland

Cc: Mr. Tom Fuller, national focal point for the Aarhus Convention, Department for Environment, Food and Rural Affairs, United Kingdom of Great Britain and Northern Ireland

Annex

List of environmental defenders subject to complaint ACSR/C/2023/19

1. Ms. Mair Bain
2. Mr. Paul Bell
3. Mr. Alfred Beswick
4. Mr. George Cosmo Cattell
5. Ms. Lucy Cooper
6. Mr. Andrew Dames
7. Mr. Michael Dunk
8. Mr. Thomas Gardener
9. Mr. Callum Goode
10. Mr. Jan Goodey
11. Ms. Diana Hekt
12. Ms. Theresa Higginson
13. Mr. Daniel Mifsud
14. Ms. Charlotte Kirin
15. Ms. Rachel Payne
16. Mr. Samuel Price
17. Ms. Catherine Rennie-Nash
18. Ms. Anna Retallack
19. Mr. Kai Arne Springorum
20. Mr. Anthony Whitehouse