

Fascism reaches the UK's courts

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The [Guardian](#) has reported this morning that:

An environmental activist has been jailed for eight weeks after disobeying a judge's instruction not to mention the climate crisis as his motivation during his trial for taking part in a road-blocking protest.

David Nixon, 36, a care worker from Barnsley, was sentenced at Inner London crown court on Tuesday after admitting contempt of court the day before by using his closing address to begin telling a jury about his reasons for protesting.

This is staggering, to put it mildly.

As I understand it, and I have studied some law, if a person is to be found guilty of a crime in the UK it has to be proven that they have what is called the mens rea to commit that crime. The concept is complex, but boils down to intention.

What the concept of mens rea embraces is the idea that the intent for an action that a person actually undertakes is vital to understanding whether it is criminal or not, and whether it was deliberate or not, all of which have significant impact on whether the charge brought is appropriate or not.

To provide an obvious example, murder requires that one person deliberately seek to kill another person. On the other hand, if they did not have that intention but were merely reckless as to the consequences of their actions they might still have killed another person but might be guilty of manslaughter, which is a different offence with different penalties. And if they acted in self defence but killed someone they might not be guilty of any crime at all. Intention very clearly matters.

The defendant who has now been imprisoned in this case was accused of blocking a road. He sat, with others, in the middle of that road, as I understand it.

The judge ruled in court that none of the defendants were allowed to discuss in court the motivation for their protest. They were specifically not allowed to refer to the

climate crisis or the cost of living crisis when offering explanation for their actions even though protest on these issues was their intention for blocking the road that they sat on.

Now a man is going to prison for explaining in front of a jury the reasons for his actions. In other words, he is being imprisoned because he provided vital legally relevant information to those tasked with determining whether he was guilty of the crime of which he was accused.

In my opinion this could only happen in a fascist state. It is an obvious suspension of the rule of law. Intent is now, apparently, to be inferred from actions. The right of an accused person to explain what they did is to be denied. A jury is to be deliberately denied information critical to their forming an opinion on this case. Only a fascist state could tolerate this.

Maybe that is where we are. If the judge in this case is allowed to continue to sit in that role we will know. But whether or not they are, this is deeply disturbing. The onward march of authoritarianism in this country continues.