STATEMENT OF ULLA RODER 18th DECEMBER 2003

Re: Trial in Kirkcaldy Sheriff Court for damaging a Tornado Jet at RAF Leuchars 11.03.03.

In March 2003 I was charged with malicious damage to a Tornado Jet at the RAF Leuchars base. The Tornado Jet was to take part in the invasion of Iraq. The victims would be innocent civilians, who already have suffered from the 12 year starvation sanctions and regular bombings by the US and British air forces.

I spent the next 5 months on remand in Cornton Vale Prison in Scotland - having refused bail conditions I was released unconditionally at the end of August 2003, as no interpreter could be present in the High Court when my time on remand was to have been extended a second time.

Since then I have been waiting for the trial proceedings to start. This seems to present some difficulties. The trial date has been changed 5 times, the case has been adjourned 15 times and the whole defence has been undermined in various ways in an absolutely outrageous manner by practically all parties involved. I wish to make this statement to alert the public and people supporting me of the problems that I have faced in the preparations for trial so far.

People are the ones who makes the rules not a manipulating and collusive legal system hired by the Government.

Before opting out, I felt that the whole situation was becoming so kafkaesque that if I continued to participate in the circus I would be in imminent danger of being deprived of my right to speak and express myself during the case. Comprehending this danger, and after having talked this through with a friend, I felt confirmed that I had to take time to get this situation sorted out.

Now, after having distanced myself from the pressure, I have been able for the first time in months to sit down, calmly collect my thoughts and write a long case review and this statement. I am determined to present myself to the court and respond responsibly to the charge brought against me, at the earliest possible date which can be arranged after I am satisfied of receiving a fair trial before a jury of my peers and with proper legal assistance. A warrant was issued for my arrest on the 15.10.03.

"Would you like his lordship to find you guilty now or do you want a trial first?"

The immediate problem now is that the Judge has decided that the legal implications of the Lord Advocate Reference 2001 on this case have to be debated at an intermediate hearing. I do not consider my right to a fair trial upheld if this debate is going to take place before the trial. The debate will have implications on some of the main defence arguments and will thus undermine my whole defence, my right to bring witnesses and my right to an appeal. I am still awaiting an answer from my solicitor as to whether this decision can be appealed.

On the basis of the opinion given by the High Court in Edinburgh in the LAR 2001, the Crown is trying to prevent anyone who takes responsible humanitarian action from bringing any legal defence arguments, and to deny them any witnesses on the grounds that they are irrelevant. In other words, the judge simply determines the defendant is guilty, and he can instruct or dismiss the jury. You will be allowed only to plead in mitigation and hope for a lower sentence. (For information I have attached a historical briefing on the rights of a jury to nullify the law and vote against the instructions given by the judge).

Such a decision could set a precedent so that people accused in similar future cases:

- will have no legal defence.
- will be denied legal aid, because of having no legal defence.
- will have no right to call any witnesses except those the Prosecution brings into the trial.
- will be given no chance of appeal, since only legal matters are dealt with in the Appeal Court.
- will face the possibility that the Judge will dismiss the jury.

If this happens, any chance to justify preventative humanitarian actions will be precluded in Scotland, and the distinct possibility exists that other countries' legal systems will begin to practice the same procedures.

When the court and government ignores to protect your human rights, you have to do it yourself.

I remember before the Lord Advocate Reference (LAR) hearing that devolution issues on human rights were raised by us regarding the 4 questions phrased. The Judge made a quick decision before the LAR hearing itself to deal with these devolution issues during the process of the LAR, and the matter was thus not dealt with before the hearing. The result was that the questions in this LAR remained as they were, despite the devolution issues stating this would breach our human rights. During the last hour of the LAR hearing the judges made a quick decision that the devolution issues had been dealt with during the hearing, which absolutely was not the case, and an objection was made but simply ignored. The High Court avoided in this way to discuss the most relevant issues of human rights raised before the LAR hearing. In the present case the court also has made a quick decision to have a debate before the trial, that will avoid most relevant legal matters in this case being dealt with in the trial itself, and the whole defence will in that way be interrupted or taken out of it's context and therefore fall apart, not leaving a chance of a fair trial. If these legal arguments are not transcripted during the trial, the chance of appeal on those points is excluded, and this may set a precedent with severe consequences for future cases. In this case I will insist on getting the full defence into the trial and not accept that only half of the laws are debated as we experienced at the hearings of the LAR.

Since there are two parts in a trial, both parts should be allowed to speak out their legal arguments and bring witnesses of their own choice during a full trial in public. Any decision made on legal matters by the Judge at the trial you can appeal to the High Court. These are basic human rights, and I am not going to allow the Sheriff's Court to take these rights away in this case by forcing a debate through before the

trial, which will never reach the High Court in an appeal. These matters will have to be dealt with, if not in the Scottish Legal system then it will have to go to Europe.

By these legal tricks, the court system is being 'bombed' back to rulings of the 17th century. This has to be stopped before the rights people fought for centuries to attain are stolen from us by a collusive legal system more or less controlled by a handful of powerful men in the Government and the Ministry of Defence. It's not the laws that are wrong, it's the way these laws are administered. Most laws do protect citizens, but the courts, in these cases, seem to turn a blind eye to the existing rule of both national and international law.

Public awareness is needed to stop the collusion in the courts.
I have in the last few months tried to sort out how to get on with this case in a way that will ensure me a fair trial. So far I have continued with my research and preparations while seeking more legal advice, but still find myself lacking a competent and willing defence team. Therefore, I am calling out for honourable Scottish Legal Professionals who are willing to help with the case, and whose first and only priority is the interests of the defence, to contact me A.S.A.P. at > Ulla_Roder@mailcan.com < Also, I will need support from the public to be able to go on with this. Without public awareness and support during these hearings the court, prosecution and solicitors will be able to continue their collusion. The above mentioned problems are unfortunately not the only ones, as I will try to explain as best possible, without going into the details of my defence.

Restricted communications and hidden agendas are the best soil for manipulation to grow in.
In circumstances of extremely restricted communications, as experienced under the prisons regime, many small events over a long period can accumulate to result in a very confused picture of the situation. All along I have been trying to keep focused, but also to not allow any of these small accumulating events to be ignored. I have done what I could to make it clear to the people supporting me what has been going on, while not being able to talk defence matters or witnesses with them before the trial. However, it has not been easy to explain everything to everyone involved, and eventually my supporters, solicitors, media people and others surrounding the case have perhaps got a false picture of the reality of the last 9 months in this case.

These things, added to the injustice in the way Kirkcaldy Sheriff Court had dealt with the case, caused a lot of frustration to everyone. Being released helped my ability to deal with the case myself, however, the Free Ulla Campaign suddenly found all their work done and dealt with. I was free, but not as they had hoped during a fair trial hearing. This has still to come and hopefully everyone will stand up again when needed. A summary of the case review is attached. If you have questions or suggestions to me on this please e-mail to: > Ulla_Roder@mailcan.com <

It is time now to act with vigour to confront injustice and abuse, before protesters and dissenters end up behind bars for years and citizens will be forced to support and obey orders given by evil powerful rulers to maim or kill others. It's a choice everyone has to make, whether this kind of weed shall be allowed to choke us and then spread to our neighbours, or whether we will pull it up with its root and throw it out of the system once and for all.

I would like to thank especially Dawn for her great work in the Free Ulla Campaign and all the others who have been present when needed most. I look forward to hearing from you soon.

Peace and Love

Ulla.

Case Review Summary

3 month and the lack of evidence from Prosecution - Objection to any defence witnesses.

There were 2 court hearings in Cupar Sheriff's Court in March, where I was kept on remand for further investigations. My solicitor Joanna McDonald came for a very short meeting the 14.03.03. From then until 21.05.03 all I heard from my solicitor was a few letters promising to have a meeting soon. I prepared my defence under stress and pressure suffering a lot from harassment in the prison.

I had a meeting 29.05.03 with my solicitor, which took place in a room with 2 prison officers and others present. The Legal Aid Board would not allow a counsel to represent me in court, but this was appealed. She suggested we should get an opinion of Counsel, and that I could defend myself, which I refused to do. I have a right to be legally represented. By the next meeting 05.06.03 I had been granted legal aid for a JC. Full documentation from the prosecution to the facts of the cost and other evidence material was not received yet. The solicitor doubted that I would be allowed any witnesses, despite the fact that all the witnesses we already had agreed on were at this time ready to give their statements!

Advocate John McLaughlin (counsel) arrived for a meeting 12.06.03. He suggested some totally different witnesses and did not take time to recognise or ignored the fact that the witnesses were already decided. He wanted more time to prepare the case properly, and to get an expert opinion on the costs of damages. He would ask for an adjournment the 17.06.03 at the first intermediate diet. We still also needed evidence material from the prosecution. By now the solicitor had dropped the suggestion that I should defend myself, and she seemed to believe I would be allowed witnesses. I wanted the witnesses brought to trial. If anyone shall deny me these witnesses it should be the judge during the trial - it is not up to either the solicitor nor advocate to take that decision.

The Counsel seeks advice and withdraws from the case.

On the first intermediate diet the 17.06.03 in Kirkcaldy Sheriff Court the advocate asked for an adjournment because he wanted to consult with his "Boss" the Dean of Faculty. I had a very short briefing before the hearing. Joanna had got a letter from the PF she said. I realized later, that the head of Dean of Faculty was not this "Boss", but basically the whole Scottish legal system from QCs' to PFs', lawyers and judges. Currently I am unsure with whom the advocate consulted over this question, in what forum and how far this information has been shared, and why no written record of this meeting has been produced? I surely felt the confidentiality in my case were broken here. It looks like someone had donated pound 300 to pay for this opinion. It was not paid by legal aid, neither have I paid for it.

At this hearing the prosecution and the Judge brought up the Lord Advocate Reference indicating this decision has already established my guilt in this case. The PF already had begun to make a legal argument; referred to cases; necessity defence; and immediacy. He said, "The trust of the points I don't regard as relevant defence under Scots Law. Defence in Law does not extend to the cost. It has a bearing on mitigation". Since when is it up to the PF to decide what is relevant? Anyway these

are matters for the trial. At this hearing I was supposed to make a plea and the advocate was supposed to give information about the witnesses we wished to bring and the skeleton arguments for the defence, which he was not ready to do, so he asked for this adjournment. He did not mention an adjournment also was needed because the prosecution still not had sent sufficient evidence material. He informed the court who the 3 defence witnesses would be, but to my surprise only one of these he mentioned I had agreed to. All others of the main witnesses of my own choice were not mentioned but should have been. He had that day even not read my defence statement, he admitted, so how he could suggest any witnesses at all at this stage of the case is still a mystery to me. The case was then adjourned until 24.06.03.

On the 24.06.03 the Advocate withdrew himself and so did the solicitor. He had been advised and could not take on the case, despite having already interfered more that enough in the case. I was left without legal representation, and despite telling the court I needed an adjournment to find a new legal team, as I was unable to represent myself, the court went on with the proceeding and started to ask me questions relating to an extension of my time on remand, without giving me any chance of legal consultation first. My right to proper legal representation was totally ignored here. The case was then adjourned to the 22.07.03 and a new trial date was set to the 28.07.03.

The collusion before the first hearing exposed in letter from the PF

I got a copy of the letter my solicitor Joanna McDonald had received from the PF dated the 13.06.03; It showed that the PF was fully informed about the 6 witnesses the prosecution wanted even before the first intermediate hearing on 17.06.03. The PF in this letter refused all the witnesses and would not accept an adjournment, but hinted that if an adjournment was allowed by the judge then an extension of the 110 days remand would be accepted by me. I was never advised on this point by the advocate before he withdrew. The lack of evidence material from the PF, which was another reason for the proposed extension, I never got a chance to fully argue on the 24.06.03. Under that kind of circumstances the extension of the remand period might not have been granted at all in the High Court, but it was never debated in the High Court, because I had been tricked into accepted this in the false belief it was needed for the adjournment to find a new legal team at the hearing 24.06.03.

"Never presume malice where rank incompetence will suffice!"

I had a meeting 01.07.03 with the new solicitor Aamer Anwar. He got my statement and a pile of documents to go through. I went to High Court the 04.07.03 for the extension of the remand period, and 10.07.03 he was still lacking sufficient evidence material from the prosecution. He said Joanna had not sent much material either, as if she had not worked on the case much so far. He did not at this meeting tell me the legal aid was not transferred. (I wonder if he worked for free these first two meetings?)

First intermediate diet the 22.07.03, my solicitor did not show up but a duty solicitor approached me in the police cells. I insisted to have a solicitor of my own choice and a colleague of my solicitor arrived. Then we went into court. This solicitor - who I felt forced to accept only for the reason he came from the same office as the solicitor I had chosen - started by asking for an adjournment on the grounds that Anwar had not been informed about the diet on that day, and the legal aid had not been received. It

was another interpreter that day. He forgot to interpret a long debate going on among the PF and the solicitor, so I missed the most of this hearing. I was handcuffed and not able to take any notes either, This happened at all the court proceedings in Kirkcaldy Sheriff Court and supporters were denied to take notes too from that day onward. This hearing was about an adjournment. I got a chance to draw the solicitors attention and asked him what if I did not consent to an adjournment? Through gritted teeth he hissed at me, "Then the trial will start on the 28.07.03!" I firmly insisted that he ask the judge and said, "I have not much choice here, or any chance, it is like the choice between pest and cholera." Either I could agree to another month on remand under atrocious conditions or face an early trial with an obviously unprepared solicitor – legal aid was not yet secured, in other words the case had not been touched or I would have to defend myself six days later. What kind of choice of instructions is that? The case was then adjourned to the 24.07.03 for my solicitor to be present himself. The 24.07.03 Anwar told me we should have as many witnesses as possible. He still lacked evidence material from the prosecution. In the Court Anwar mentioned problems with Counsel John McLaughlin, who had withdrawn himself. He asked for an adjournment on that basis. Court adjourned till intermediate diet 12.08.03. Trial start 25.08.03. He did not mention legal aid or that we still lacked evidence material from the prosecution at all.

Meeting with Anwar 06.08.03, he wanted only 3 witnesses to be brought, but accepted the 4th witness who was important for me. He told me he needed to request an opinion of a counsel before he presented the defence he wanted to use in court. No mention if legal aid covered this opinion. He said he needed another adjournment until the end of September. No discussion of any of the documents or statement of mine. I asked him for a copy of my statement and a report I needed for my preparations, which still prevent me from preparing my witness statement in court. Just before he hurried out of the door I asked if I was going to High Court for an extension on the 08.08.03? I never got any reply to that.

Legal representation of your own choice and providing an interpreter causes problems in the Scottish legal system; circumstances of my release.

At a hearing in High Court 08.08.03 I was released because the proceedings could not go through without an interpreter present. A QC met me uninvited and was merely representing the Crown more than me. He told me he was happy on my behalf that he had saved the trial from collapse!!! I had to in a casual, polite but firm way to mention to him, that if he had bothered asking me I would for sure have had a quite other understanding of this. I was released in court in the afternoon, but was forced to go back to the prison for the release papers to be written and to pack my stuff in the cell down after my official release. I also have quite a lot of questions to ask in relation to the indictment to the High Court I was served that morning and to the point that I was not legally represented by anyone at that hearing. I had certainly not chosen this person to represent me and feel that he did so under false pretences. Anyway I was free and happy to go to Coulport, where Trident Ploughshares had their Disarmament Camp, and tried to forget all my frustrations at least for one evening, celebrating freedom with my friends under the stars and spotting nuclear submarines at the beautiful loch among the Scottish mountains.

Freedom - but more lies and manipulation on the agenda.

I went for another trial in England the 11.08.03, which was adjourned again, and rushed back to Kirkcaldy the 12.08.03. Here Anwar arrived (not in the best mood) and went directly to talk with the PF. I was never told what this meeting was about. I think he supposed a small talk in the hall outside the courtroom in presence of others to be a consultation with me about witnesses. A new intermediate diet was set for the 09.09.03, and trial was now changed to the 22.09.03. After this hearing my solicitor complained that the PF had lied to him. I asked, "Who?" And he just said, "We had an agreement, the PF changed his story in court when he saw the judge was friendly!" I still wonder what that agreement was about.

PF claims the time limit for bringing witnesses had expired, made reservations on that point and wanted a debate to exclude the legal defence and witnesses now and in future cases.

I contacted all my witnesses again to ensure they could be present the second week after the trial should start 22.09.03 as my solicitor had asked me to do so, and confirmed this to Anwar by letter on 13.08.03. The 03.09.03 I had a meeting with Anwar, sent him a letter of same date confirming details regarding my witness statement and witnesses to be brought. At the intermediate diet 09.09.03 the court was told we wanted 4 witnesses and that we were prepared for the trial 22.09.03. The PF argued that the time limit for bringing in witnesses was run out - and made a reservation, but at the same time asked for a debate to discuss whether we could have our witnesses, because an "appeal case" …. (The LAR is not an appeal case, but it was this opinion he referred to). I could not hear the rest he said. The sheriff started to talk before the interpreter had finished translating. The case was adjourned to the 15.09.03 for this debate. Just after this hearing outside the court building on the pavement Anwar started a consultation now saying I should only make a moral defence and bring no witnesses, despite having just told the court the defence wanted 4 witnesses!!! I asked him for a proper meeting, reluctant to discuss this matter on the spot in front of others. When I later phoned my solicitor for a meeting he told me the trial was now scheduled to last one week, not the 2 weeks originally set off. He had forgotten he had asked me to make sure the witnesses could be ready for the second week. I knew already at least one of the witnesses would not be able to arrive the first week. That also is a way of cutting off your witnesses.

I went for an appointment 11.09.03 at Anwars office but he did not show up. I had made a written instruction for the debate the 15.09.03 to give to him at the meeting, so I left the letter at his office. In that letter I stated that I wanted the legal matters brought during the trial and not at a debate at an intermediate hearing, and if the Sheriff insisted, it should be appealed. I ended the letter saying that if all this would be insisted on by the Judge and no appeal was possible, I would leave the court in contempt and publish why, because this could simply not be right. This was my final instructions in this case. Just as I was on my way out of the door the secretary called me back. Anwar was on the phone. He said he did not need to give the PF any other information at the hearing 15.09.03 than witnesses we wanted (which was already given the 09.09.03 so I did not understand why he had to do this again?) and that he was not obliged to give any information about the defence to the PF, if we did not wish to do so. He said he would not agree to a pre-trial debate.

Collusion openly supported by the Judge demanding meeting between defence solicitor and prosecution outside court.

That was OK for me and basically the same as I had stated in my letter to him….but at the hearing 15.09.03 he did not show up. His colleague Mr. Sinclair again arrived. He breached confidentiality by talking about my defence line in the public gallery in front of my supporters. In court the PF objected to the relevance of witnesses and of part of the defence, despite he had not any idea of what the line of defence was, only making his own presumptions. The PF mentioned that Anwar had not met him on Friday past, as he had been too busy. The judge then ordered this meeting to take place. A meeting for what? Arranged by the Judge! Can the case not be heard in public? I objected when the PF started a speech about the LAR, prejudicing the Sheriff before the trial. The Crown wanted the judge to dismiss the defence before the trial is set. Doing so at an intermediate hearing where no arguments will ever be transcripted for a later stated case for appeal, is a direct attempt to get away with cutting of any legal defence with precedent in all future similar cases. Without Anwar present the debate could not be that day. The case was adjourned till Friday the 19th Sept, and the Sheriff firmly stated there would be no further adjournment of this case, and the trial was still set to begin the next Monday 22.09.03. I had a meeting the 16.09.03 and was supposed to be briefed on all details about defence and the prosecution witnesses, his new defence line and documents etc. in less that one hour, which is impossible. He gave me a letter dated same day in which he had asked a DALE HUGHES for an opinion. I am not even sure if this Dale Hughes is a QC? (the name is familiar to me somehow - does anyone know this man?) This letter cost me 300 pounds and was written in a most unprofessional way. I got a few sheets of paper with some witness information on them. He wanted me to reply back on these by the next day already. Good thing the fax was invented and I happen to have a fax facility where I live! He had not called my main witness either. I told him to do so. Next day 17.09.03 he phoned me late in the evening and asked me to download a lot of extra materials, which took me and 2 others the whole night and the next day to do. He did still not mention to me which documents he was going to bring for the final production. Very late Thursday 18.09.03 he phoned me and wanted to dictate to me another instruction for the debate next morning, rather than the one I had handed in the 11.09.03 at his office. I told him my instructions were clear enough and I did not intend to change a single comma! He then arrived personally and I told him again my stand on this. I wanted him to inform me about the procedure rules for appealing the decision of the Judge to have this debate before the trial itself. I got no answer to that before he rushed home to do the last preparations for the debate next morning.

Are solicitors really so busy or is it pure collusion?

Friday the 19.09.03 - after I had waited three hours my solicitor came a few minutes before the hearing was going to take place at 12 o'clock. He started to discuss the prosecution witnesses in full public, despite having promised the evening before to get a private room for consultations. He pressurised me to drop calling prosecution witnesses and even threatened to leave the case now in the last minutes before the debate and with the trial starting after the weekend. I was understandably not too happy, but felt I had to compromise under this "voluntary coercion". He gave me no time at all for any considerations and he ignored the points I made. The confidentiality was surely broken again sitting in the public entrance to the court having a consultation on these important issues. Unprofessional, disgraceful, arrogant and disrespectful behaviour. Not acceptable at all.

The prosecution suddenly needs more time for preparations.

At the hearing Sheriff Liddel said to my solicitor, “I have been told you are not available for part of the trial” and indicated he could not be present all days of the trial, despite the dates having been agreed between these parties from the very beginning. Something is wrong here for sure. This information was also unknown to me. The debate never took place. Suddenly The PF wanted time to study the new defence line, and the case was adjourned again to the 03.10.03, despite Judge Liddel having said that no further adjournment would be allowed. The new defence line should not be a reason for an adjournment in itself that day since he had asked for the debate at a time he did not know the defence line at all. Maybe there were too many present in the public gallery that day. By the way I have still not been presented sufficient evidence material from the prosecution, maybe there now will be time to sort that out.

On top of all this supporters present during court hearings have been intimidated by the court officials. The interpreter were accused of having hearing problems and notes were not allowed to be taken again. Only a journalist from the local Fife Courier newspaper were allowed to take notes The last my solicitor promised me was that he would call me for a meeting next week. I wanted to make an appeal of this decision on the debate. My solicitor never called me as promised.

In the meantime I have taken leave of absence from the hearings, have studied and constructed a detailed case review, this summary and other documents, and have forwarded a long list of questions to both legal teams, to which I am still awaiting a reply.

The Role of the Jury

It's the decision of the Jury not of the Crown.
As long as a case has to be scrutinised by twelve honest men, defendant and plaintiff alike have a safe-guard from arbitrary perversion of the law. Old principles has been preserved and endure to this day, that law flows from the people, and is not given by the King. Both sovereign and subject were in practice bound by the Common Law, and the liberties of Englishmen rested not in any enactment of the State, but on immemorial slow-growing custom declared by juries of the free men who gave their verdicts case by case in open court.
(from Winston Churchill's A history of the English Speaking People (Vol. I, pg. 219 and Vol. I, p225).

In 1980 in the U.S. the Berrigan Brothers were convicted by a jury. One of the jury members afterwards stated: "We convicted them on three things, and we really didn't want to convict them on anything. But we had to, because of the way the judge said the only thing that you can use is what you get under the law… I would have loved to hold up a flag to show them we approved of what they were doing. It was very difficult for us to bring in that conviction".

If that jury member had been told the right to nullification the Berrigan Brothers would have been acquitted in 1980.

What is the nullification principle?
Juries have an old but not often upheld right to nullify the law. In practice, what it means is that a jury can decide that a given law is stupid, obnoxious, oppressive, etc., and acquit the defendant regardless of the facts of the case, and regardless of the Judge's instructions. This is already the right of the juries in England, but unfortunately nobody knows about it. The Government and Judges have done nothing to inform jury members of this right in the last century. In the latter part of the 18th century judges and state law were increasingly moving against nullification. Today in the US no officer of the court is allowed to tell the jury of its veto power.

In 1895 - in cases against labour leaders trying to organise unions - the US Supreme Court upheld the principle, but ruled that juries were not to be informed of it by defence attorneys, nor were judges required to tell them about it.

"For more that 600 years… there has been no clearer principle in English (and American) constitutional law, than that, in criminal cases, it is not only the right and duty of juries to judge what are the facts, what is the law, and what was the moral intent of the accused, but it is also their right and their paramount duty, to judge of the justice of the law, and to hold all laws invalid, that are, in their opinion, unjust or oppressive" Lysander Spooner, Essay on Trial by Jury).

(In 1852 it was hopeless to convict anyone under the Fugitive Slave Law, because that law was so obnoxious to a large portion of people. In response the Judges began to question jurors to find out if they were prejudiced against the Government, dismissing any that were)

"If a jury feels the law is unjust we recognise the undisputed power of the jury to acquit, even if the verdict is contrary to the law as given by a judge, and contrary to the evidence". (4th Circuit Court of Appeals, US v Moylan, 1969).

"When a jury acquits a defendant even though he or she clearly appears to be guilty, the acquital conveys significant information about community attitudes…" (Sheflin and Van Dyke, Law and Contemporary Problems 43, No. 4, 1980).

Many people nowadays feel the Government has overstepped its power in different ways and that there must be protection for the natural rights of citizens. The rights to protest, dissent and uphold higher principles of International Law have to be defended and it cannot be left to the Government to decide such matters without the mediating effect of a jury's judgement of fairness.

The conscience of each Jury member.
If a juror feels that the statute involved in any criminal offence is unfair, or that it infringes upon the defendant's natural god-given unalienable or constitutional rights, then it is his duty to affirm that the offending statute is really no law at all and that the violation of it is no crime at all, for no-one is bound to obey an unjust law. (Chief Justice Harlan F. Stone).

In John Peter Zenger's case - his newspaper accused the Royal Govenor of New York colony of corruption - it was argued that the jury were judges of the merit of the law, and should not go against good conscience to convict Zenger of violation of such a bad law. The law made it a crime to publish any statement, true or false, criticising public officials, laws or government. The Judge ruled that the truth was no defence. His case helped establish the right to freedom of the press.

Jurors may believe a law to be unconstitutional, or fundamentally unfair, or misapplied in the case at hand. In order to fulfil their responsibility to the defendant, the community, and their own consciences, they must not set aside their own judgement of right and wrong.

It is not only the Juror's right, but his duty to find the verdict according to his own best understanding, judgement, and conscience, though in direct opposition to the direction of the court. (Americas 2nd President John Adam, 1771) (Yale Law Journal, 1964:173)

Jurors cannot be punished for their verdicts.
The jury has a right to judge both the law as well as the fact in controversy (John Jay, the first Chief Justice of the U.S. Supreme Court in Georgia v. Brailsford 1794).

A jury has a veto on proposed laws. Our freedoms of religion, peaceable assembly and speech all trace to our right to a trial by a jury of peers, a jury not intimidated by the Government.

In 1670 William Penn was arrested for preaching a Quaker sermon, by doing so breaching the law of England, which made the Church of England the only legal church - the Jurors were imprisoned for refusing to convict him, but later it was

established in Court that jurors can never be punished for a verdict which displeases the judge.

Ignorance and compliance from people, is the greatest enemy to freedom.
If a jury accepts to follow the instructions of the Judge to follow his suggestion alone to what the law is, then that juror has accepted the exercise of absolute authority of a government employee. The juror has in that way surrendered a power and right that once was the citizen's safeguard of liberty. This safeguard has more or less been lost because its possessors failed to stretch forth a saving hand while there was time. Citizens can reinforce this rule of jury nullification, but first of all, that is only if the citizens are aware that the responsibility for an oppressive government is on the shoulders of complacent citizens themselves. Ignorance and compliance are the only reason why citizens will be oppressed by their government and only citizens can do something to change the status quo.

This will also be the case for International Humanitarian law if citizens don't protects these right and duties of ordinary people - the Government or it's employee certainly feels no need to do so. The big question is: How do citizen uphold these rights, if the police and courts will not help to bring these rules into force. So far many things have been tried - but until a determination of how to uphold these laws is made by those these laws are intended to protect, citizens have no other choice but to exercise their right to intervene themselves. It is in the end of the day a matter of public conscience. Remaining in silence will be complicity with the Government.

Bring truth into light.
Judges in England (and America) have for the last hundred years tried to hide this jury power from the people, and now actively attempt to suppress it.

It is time to bring this kind of undemocratic and dangerous secret into the light, because it only takes one person aware of that right in order to hang a jury. It is not up to a government official to tell citizens how to live our lives and how to protect ourselves or our friends somewhere from being attacked by the military forces of the same government.

If the jury has no right to judge on the justice of a law of the Government, they plainly can do nothing to protect the people against the oppressions of government; for there are no oppressions which the Government may not authorise by law (Spooner 1852).

People need to be informed that juries have the right to nullify the law, since this is unfortunately not a common knowledge conception of the public as to the rights and duties of a Jury. However, lack of information is not enough to take away an already existing rule. This rule goes back to the Magna Carta of 1215 - King John's oppression became so great, that the nation rose against the ruler of England and compelled their King to pledge that no freeman would be punished for a violation of any laws without the consent of his peers and placed the liberties of the people in their own safe-keeping. (Echards's History of England, p. 106-7). The Magna Carta has thereafter often met with hostilities from the Crown. From 1664 English juries were routinely fined for acquitting a defendant, as in William Penn's case.

Although this fact seems to be a jealously guarded secret of the judiciary, it has an enormous significance in the current climate of increasingly repressive legislation which is eroding our freedoms, corrupting the system of justice and turning citizens into fearful slaves of the all-powerful Government. (Applies to British and American Law - but what about Scottish Law?). Find out what Scottish Law says about Juries nullifying the law?

This text is an extract of some documents at different web references, where the full text is available:
http://nowscape.com/fija/_600wrd.htm
http://emporium.turnpike.net/P/ProRev/juries.htm
http://proliberty.com/observer/20020711.htm
http://www.fija.org/

Further information contact:
The Fully Informed Jury Amendment (FIJA).
The Fully Informed Jury Association,
Box 59, Helmvill MT 5984, USA
Telephone 406-793-5550.

I hope this has given you interest in raising these question in public debate and with your politicians. If you find out any rules for Scotland I would like to hear from you at e-mail: freeulla@hotmail.com.