

EARTH PROTECTORS

explanatory note

As a signatory trustee you can present your signed Earth Protectors Trust Fund ('EPTF') document in a court of law. The EPTF document has been legalised across the world, which means that it carries legal weight in a court of law regardless of where you are. In the event that you have been arrested and charged in your capacity as an Earth Protector (for protecting your community and land from being harmed), as part of your defence case you can present your Trust document, your blockchain certificate and the other documents listed below to substantiate why you chose to act in your capacity as an Earth Protector.

Document checklist for you to compile:

- 1. Your EPTF document (as received upon becoming an EP Trustee)**
- 2. Your Blockchain certificate (as received upon becoming an EP Trustee)**
- 3. Your EP Statement of Conscience (to be completed by you)**
- 4. Your EP Harms and Submissions Dossier (to be completed)**
- 5. Continuity of Exhibits Witness Statement**

Video to watch:

'Presenting your EPTF documents in Court' at <https://www.missionlifeforce.org/activist-toolkit/>

As a Conscientious Protector, you are seeking justice. That can only occur when there has been a proper examination of the evidence of the serious harm you have sought to prevent. These documents are designed to supplement your defence and assist you, your lawyers and the court. Your documents can be presented as part of your defence.

1. Your EPTF document

This is your electronically signed Trust document, which you will have received by email. It will have your name, email, place of residence and date and time of signing marked on it.

Please print out and sign your EPTF document.

2. Your Blockchain certificate

This is your unique timestamping certificate certifying that your electronically signed Trust document was anchored to the blockchain using Stampery in the date and time as set out on your electronically signed Trust document.

Please print out your Blockchain certificate.

3. Your EP Statement of Conscience

This document provides you with a potential defence that has not been presented before in this context. Your Statement of Conscience goes beyond the usual defences of good reason/reasonableness of action, justification, necessity or duress of circumstance; it is for you to present it alongside whichever defence in law you are already presenting.

THE NATURE OF YOUR DEFENCE

Like many others before you, you are standing strong on principle to protect a community from serious harm. Yours is a Statement of Conscience, which goes beyond (although will include) existing legal defences available to you, such as good reason/reasonableness of action, necessity, duress of circumstance or justification. As an Earth Protector, your actions have been undertaken on behalf of a community that is under threat. The nature of your defence reaches beyond the confines of the black letter of the law; as a Conscientious Protector you are also appealing to the overriding concepts of justice and fairness.

WHY YOU HAVE ACTED TO STOP A MORE SERIOUS HARM FROM OCCURRING

This is your opportunity to give voice to your concern that a far more serious crime not yet recognised in law has taken or is about to take place. You are also standing up and speaking out to protect your community, to prevent a serious harm from being committed collectively against your community, not just against one person. Existing governmental and democratic process has failed. The harm identified is so serious as to severely diminish peaceful enjoyment by your community. The serious harm constitutes an ecocide, or at the very least will contribute to an ecocide.

You are asserting that the cumulative and reckless disregard of the serious harm by eg. gas extraction/pipelines/mining etc has arisen as a direct consequence of the actions of Company X, State Authority Y, Other Entity Z and shall, if it continues, open the floodgates to ecocide.

Please complete and print out your EP Statement of Conscience.

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4. Your EP Harms and Submissions Dossier

This is for you to set out the evidence of what the serious harm is. This requires a bit of work to prepare; **reach out to your community** - you will find that much of what you require will be there. **The purpose of the Dossier is to enable you, with the help of your community, to compile all the facts, evidence and expert reports required to ensure your case is properly heard.**

Whether your defence will succeed depends on careful preparation of your EP Harms and Submissions dossier, as well as the conscience of your judge or jury. In some cases justice will be denied, but as more Earth Protectors put forward their conscientious protectors defences, precedents can be relied upon by others as they too seek justice in their countries.

BUILD YOUR CASE

Summary: find the primary evidence documents and expert witness(es). Use examples of similar industry ecocide elsewhere, make visible the cumulative impact (imagery/photos/mapping) both current and future. An Earth Protectors role is to bring to the fore the evidence of size, duration or impact. Testimony is not enough; a court seeks documentary evidence based on science and fact, experts and examination of past and current harm elsewhere. Keep all evidence factual; experts present expert opinion based on their particular expertise.

Present what has already been done to prevent the harm in your Dossier; have all other routes been exhausted? The court must be satisfied that there has been consistent attempts through democratic process to address the issue: for example, petitions by your community or by others, documents that have put elected representatives, officials, corporate or other senior persons on notice of the harm, details of local meetings. Present evidence that your questions and concerns were not satisfactorily answered and/or that the information you provided was disregarded. The case you present demonstrates that you are acting from a place beyond merely good reason/reasonableness of action, necessity or duress of circumstance. *Please complete and print out your Harms and Submissions dossier.*

5. Continuity of Exhibits Witness Statement

This statement will be required by the court so that the provenance of the exhibits are established and presented to the court. The Continuity of Exhibits Witness Statement sets out the process by which the EPTF was created, apostilled, and subsequently presented. Attached is a copy of the EPTF and the list of countries that have apostilled the EPTF document.

ADMISSIBILITY

The EPTF document has legal and evidential weight in a court of law. It has been apostilled (and/or notarised and/or legalised) in almost every jurisdiction in the world including all EU States, the US and Australia. Apostille is the process of authenticating or certifying a legal document so that a foreign country's legal system will recognise it as a legal document. In some countries the EPTF document has been notarised and legalised - also a form of authentication. The Continuity of Exhibits Witness Statement sets out the chain of authentication with respect to the signature & seal on the apostilled EPTF. That is, in authenticating an apostilled document, the signature & seal which appears on the document is verified as the true signature & seal of who it purports to be.

The originals are held by Ecological Defence Integrity, Willow Court, Beeches Green, Stroud, GL5 4BJ. The Earth Protectors Trust Fund document that **you** sign is **your** original document. The EPTF document is a non-commercial document.

WHAT THE COURT REQUIRES

- Courts evaluate your conduct by combination of harm and culpability; likewise to evaluate the conduct of a more serious harm by Company X, State Authority Y or Other Entity Z, the same principle applies. Thus, to assist the court, set out your case as best you can.
- Once the facts are known and your case has been heard, and a growing number of Earth Protectors give voice on behalf of the Earth in a court of law, life on Earth can be protected. Ecocide crime is missing law, but that does not prevent a judiciary with a conscience from doing what is just.

Good luck, and keep us posted. We shall be reporting the outcomes so that Conscientious Protectors elsewhere can do the same.