

## Field Liberation Movement

civil action against gmo's in Belgium

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### GALLERY

## Press Release: GMO trial verdict: Criminalisation of Struggle for a sustainable agricultural system

### GMO Trial Verdict: Criminalisation of Struggle for a Sustainable Agricultural System

(Dendermonde, 12th February 2013). Today the court of Dendermonde convicted 11 activists of gang formation. In doing so, the judge has criminalised their participation in the non violent direct action and debate on May 29th, 2011, which brought attention to the need for a sustainable agriculture system.

This is an extremely dangerous precedent which will have an impact on all kinds of civil action. With this verdict, the Belgian court has fundamentally undermined the right of citizens to freedom of speech.

For example, one of the participants has been given a six month custodial sentence for talking to the press.

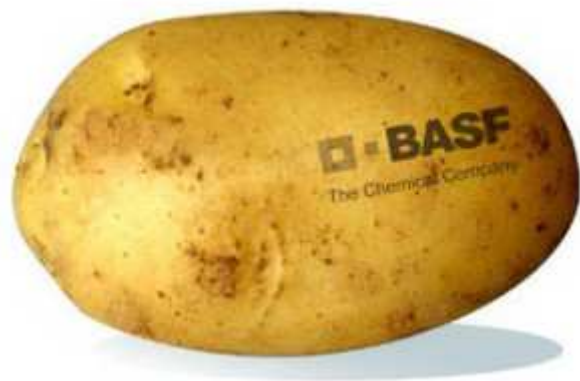
After it became known that the anti-GM activists were to be charged with forming a criminal gang, a large number of people from the environmental and agricultural sectors, academics and politicians rallied behind the defendants and put themselves forward to join them in the dock as voluntary defendants. A number of organisations ranging from trade unions to farmers' organisations, and including Oxfam and Greenpeace, expressed their solidarity with the charged activists. Today's ruling will further strengthen this solidarity.

"This is absurd," said Tjerk Dalhuisen, a Dutch defendant. "If the Belgian justice system thinks that this is the way to keep us quiet, then they're wrong. We shall continue in our struggle for sustainable agriculture without genetic manipulation and without pesticides. We do not want to be guinea pigs in industries' experiments and we will continue to make our voices heard."

Marie Smekens, a young farmer and one of the eleven defendants, added: "The sentences are completely disproportionate. It is clear that this trial was designed to muzzle all forms of future protest."

The defendants are appealing against the ridiculous verdict and demanding a retrial which respects their legal right to a appropriate defence in court.

On January 15th, the defendants and their lawyers left the court room and the trial after the judge had refused to hear their witnesses or consider their evidence. These testimonies formed an important part of the defences' case as they emphasised the political nature of the action. The judge also refused to acknowledge the voluntary defendants.



The action on May 29th in Wetteren was carried out in order to draw attention to the major problems with and consequences resulting from the introduction of GMOs into agriculture and food chains.

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## **Background: the great potato swap**

### **The action**

The defendants in the GMO potato trial took part in an action of civil disobedience in order to make an important social and ecological problem visible.

On 29 May 2011, around 400 protesters swapped a number of genetically manipulated potatoes being grown in a promotional field trial for organic varieties which are cultivated because they are naturally resistant to potato blight.

They wanted to challenge the governments' agricultural policy which allows unwanted GM in food and agriculture, while health and environmental impacts have yet to be sufficiently tested. By taking this action they were also taking a stand against the increasing privatisation of food production, including the patenting of crops.

Groups have been calling for a democratic debate about the introduction of genetically modified crops for years. Environmental and agricultural organisations including Friends of the Earth, Landwijzer, Greenpeace and the organic Bioforum have been campaigning constantly for sustainable agriculture and emphasising that GMO's cannot be a part of this. They objected to the potato field trial which they described as unwanted and useless. Above all, they highlighted the environmental risks involved in such an experiment. Three experts from the Biotechnology Safety Council gave negative advice regarding the potato trial. They emphasised the environmental risks linked to the trial and pointed out that it was scientifically ungrounded. In August 2012 a judge in Ghent ruled that the GM field trial itself was actually illegal because there was no justification for the fact that the ministers in charge did not allow for objections or for minority positions on the Biotechnology Safety Council to be considered.

The action took place after all these other attempts from people to express their views had been systematically swept aside. The structural problems in agriculture, and the consequences of the use of genetically modified organisms have still not been openly discussed in Flanders, and public debate about the issue is systematically avoided.

### **The trial**

The public prosecutor and the research consortium (Flemish Institute for Biotechnology, University of Ghent, HoGent and the Flemish Agency for Agriculture and Fishery) chose to have this debate in court via direct

summons and civil proceedings.

The group of activists had prepared a thorough defence. This was based on calling up expert witnesses, video testimonies from scientists, and video footage from the action in order to prove that 1) the action was covered by the principle of freedom of expression, and 2) that action was necessary in order to protect the precautionary principle. The action in Wetteren was carried out to protect the environment, public health and small-scale farming.

Without any further discussion, the judges refused to hear these testimonies or to view the video footage. The testimonies, however, were crucial to emphasise the political nature of the action. The judges therefore denied the defendants their legal right to an appropriate defence, as well as the opportunity to question the use of genetically modified organisms in agriculture. They also refused to allow the 91 voluntary defendants to be included into the proceedings. The presence of so many voluntary defendants demonstrates that a large number of people do not accept that action for sustainable agriculture has been criminalised.

The message to the politicians, the media, academia and the judiciary is clear: we, and many people with us, will continue to struggle for a fair, sustainable, GMO-free agriculture, and this movement continues to grow.

Posted on [February 12, 2013](#)

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