

The Team at Avoclean restores Australias most Famous Structure!



Two peace activists claim a jury should have been told they had acted in self defence when they painted an anti-war slogan on the Sydney Opera House, a court was told today.

David Burgess, 33, and Will Saunders, 42 - convicted of malicious damage last year - today appealed their convictions and sentences in the NSW Court of Criminal Appeal.

The men were sentenced to nine months' periodic detention after painting 'No War' on the tallest sail of the Sydney Opera House on March 18 last 2004 as Australia prepared to invade Iraq.

They were also ordered to pay \$151,000 to the Opera House fund for its cleaning bill.

Burgess served three months of his sentence and Saunders four months before they were both granted bail pending the outcome of an appeal. They have paid \$80,000 of the fine.

The men appealed today on the grounds that the trial judge did not allow the jury to hear them argue their case of self-defence.

During the trial, but in the absence of the jury, lawyers for Burgess and Saunders argued the men painted the slogan on the Opera House in order to defend the lives of those who would die in the war in Iraq.

"The words 'No War' can have no clearer meaning than stated," counsel for the pair, John Doris, said today.

"It was an attempt to affect a decision which would cause death and destruction on a large scale."

But Justice Michael Adams said if that were the case, all terrorists could use self-defence to justify their actions.

"The logic of the argument applies to every act of terrorism," he said.

"All terrorists say we are doing this to defend our homelands, our people ..."

Crown prosecutor Elizabeth Wilkins said the trial judge was right not to allow the jury to hear the defence of self-defence because there was "a complete lack of any connection at all between the act and the perceived threat".

Outside the court, Saunders said the threat of going to war justified their actions.

"This was a once-in-a-lifetime situation that we were trying to stop some terrible thing happening by whatever means were at our disposal," he said.

Burgess said it was also necessary to choose a building on which to paint their message that would warrant worldwide media exposure.

"Only that building could have conveyed the message to the rest of the world that the majority of Australians were against the war at the time," he said.

The court has reserved its decision.