

Request to conduct a criminal investigation and charge three people for crimes committed under the International Criminal Court Act 2001

1. Crimes Against Humanity

2. Genocide

These offences were/are being perpetrated by: -

Name (Redacted)

Position

Name (Redacted)

Position

Name (Redacted)

Position

1. Prosecution sought under International Criminal Court Act 2001.

Request to the police to press charges for crimes against humanity and genocide against **[REDACTED Person Named and their position]**

2. Crimes against humanity: definition

Crimes against humanity are certain acts that are deliberately committed as part of a widespread or systematic attack directed against any civilian or an identifiable part of a civilian population.

3. Genocide: definition

Article II of the Convention on the Prevention and Punishment of the Crime of Genocide says:

“In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- Killing members of the group;
- Causing serious bodily or mental harm to members of the group;
- Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- Imposing measures intended to prevent births within the group;
- Forcibly transferring children of the group to another group.”

4. UK legislation

These crimes were initially incorporated into UK legislation by the Genocide Act 1969, which was repealed and replaced by the International Criminal Court Act 2001.

<http://www.legislation.gov.uk/ukpga/2001/17/contents>

5. Who is guilty?

The police are requested to mount an investigation into these allegations and to bring charges against the three figures who have greatest responsibility for the crimes committed [**REDACTED: Three Named] [REDACTED: Others who may be liable to prosecution named]**, but further work needs to be done to establish the extent of their crimes and the likelihood of securing a conviction.

There is also a strong case to prosecute other government ministers and key business figures who have sought to expand polluting industries, despite certain knowledge that their activities would contribute to appalling suffering and death. Further work is now being undertaken to establish whether prosecutions for these crimes should be pursued by the police.

6. Outline of the crime

6.1 Total number of people being killed

The World Health Organisation (1), Global Humanitarian Forum (2) and DARA International (3) have issued reports showing that large numbers of people are now being killed by climate change, with the most recent report indicating that 400,000 people are being killed per annum, with a large proportion being killed by the increased spread of disease in our 1°C warmer world. The DARA International report, for 20 developing countries, which was submitted to the United Nations, showed that the most vulnerable group were infants under the age of one year.

Killing children slowly over a few hours, days or weeks is a terrible way to kill another human being.

6.2 Sahel Region of North Africa

The World Economic Forum (Davos) attributes climate change as partly to blame for increasing violent conflict. It says that “the United Nations estimates that roughly 80% of the Sahel's farmland is degraded. Temperatures there are rising 1.5 times faster than the global average. As a result, droughts and floods are growing longer and more frequent, undermining food production. About 50 million people in the Sahel depend on livestock rearing for survival. But the land available to pastoralists is shrinking.” The report goes on: “This is particularly the case for Mali and Burkina Faso, both of which registered the highest conflict-related death tolls in years. Taking all the G5 Sahel group of countries together, they experienced over four times the number of fatalities in 2018 when compared to 2012, with 62% of all reported violent deaths concentrated in Mali.” (4)

6.3 European temperature records broken

Deaths from extreme heat are now better understood, with thousands of instances identified where people died during periods when temperature records were broken. The link of extreme heat to climate change was made clear following the 2003 heat wave in France when 35,000 people were believed to have died (5). In 2019 France set an all-time high-temperature of 46°C, while the UK, Belgium, Germany, Luxembourg and the Netherlands also reported new highs (6). These were again linked to an increase in deaths (7).

The impact of climate change upon drought is better understood with links identified to the crop failures in 2018 in Latvia and Lithuania (where a state of emergency was declared). The European Commission regularly produces reports on crop yields and evidence that links climate change driven extreme weather to impacts upon agricultural production (8). Here in the UK, the 2018 drought led to an average reduction of 20% in yields of onions, lettuces, carrots and potatoes (9).

6.4 Extreme weather events

For many years scientists struggled to provide a direct link between global heating and an individual extreme hurricane, cyclone, tornado or other weather event, but direct attribution is now possible in some cases.

The campaigning lawyers, Client Earth, have been building evidence to inform its litigation and should be approached to establish how many extreme storms have been worsened by climate breakdown (10).

Immediately after the worst of the 2017 hurricane season several speakers addressed the UN General Assembly making a direct link between the devastation and climate change. The Prime Minister of Dominica said his nation resembled a war zone and warned we have now permanently altered the climate between the tropics of Capricorn and Cancer (11).

The Bahamas Minister of Foreign Affairs, Darren Henfield, then said ““For the first time in its history, the Bahamas evacuated whole communities to safe quadrants ahead of Hurricane Irma. What’s next: wholesale evacuation of the entire Caribbean?” (12) In 2019 the most powerful hurricane (Dorian) ever recorded in the Bahamas hit, destroying virtually every home on Abaco and causing extensive damage to Grand Bahama.

It should be noted that significant numbers of people left Dominica and Puerto Rico following the 2017 hurricanes and many will not return. In the case of Puerto Rico 8% of the population left. The initial death toll was put at 64, but this was later revised to 2,975 based on a study commissioned by the governor of Puerto Rico (13). This is due to the fact that far more people die from other causes, over the following weeks, than die from initial physical injuries caused by high wind speeds and flood.

Turning to Mozambique; following the devastating impact of Cyclone Idai, the UN said that the storm was one of the worst disasters to ever hit the southern hemisphere. The cyclone and subsequent flooding killed more than 600 people, injured an estimated 1,600, affected more than 1.8 million and caused an estimated \$773 million in damages to buildings, infrastructure and agriculture. The link between climate change and the havoc caused by cyclones Idai and Kenneth upon Mozambique, Malawi and Zimbabwe was made by the UN (14).

The well respected science journal, ‘Carbon Brief’ has produced analysis showing that 68% of all extreme weather events studied to date were made more likely or more severe by human-caused climate change. Heatwaves account for 43% such events, droughts make up 17% and heavy rainfall or floods account for 16% (15).

6.5 Death and suffering in the future

The Intergovernmental Panel on Climate Change is the body responsible for advising the governments of the world on the science relating to climate change. It has for many years published alarming warnings about the pace and impacts of climate change. Its most recent report, the ‘Special Report on the Ocean and Cryosphere in a Changing Climate’ (16) shows that sea level rise of up to 2 metres cannot be ruled out by 2100 and that a certain level of sea level rise is now locked in. The detailed report makes predictions, using the best available science, to warn how much the seas will rise under different scenarios, making it clear that current governmental policies will contribute to the complete destruction of several low lying island states.

In October 2019 a report: ‘New elevation data triple estimates of global vulnerability to sea-level rise and coastal flooding’, in the peer reviewed science journal ‘Nature Communications’ warned that the data used for the height/elevation of land was inaccurate. The report concluded that large areas of land in the UK and abroad were lower than previously estimated and were therefore more

susceptible to sea level rise. The report warned that climate change would put three times more people at risk of coastal flooding by 2050 than previously thought (17).

The Alliance of Small Island States (AOSIS) has vigorously lobbied for dynamic action to be taken to stop the complete destruction of many of its member nations (18). If current policies are pursued we expect to lose Tuvalu, The Solomon Islands and the Marshall Islands in the Pacific, the Maldives in the Indian Ocean, and many islands in the Caribbean.

The deliberate pursuit of policies that will lead to the destruction of these nations is an act of genocide. AOSIS should be approached for statements by members on the effect that the types of policies supported by the UK government will have upon their nations.

It must be noted that the UN Secretary General warned on 10 Sept 2018 that we now risk “runaway climate change” and that this is “a direct existential threat” (19). The UN has issued a number of warnings making it clear that even advanced European nations face devastation. In July 2018 the UN Security Council considered the security implications of climate change, noting the very wide range of national security threats (20). The UK is one of only 5 permanent members of the UN Security Council.

In December 2018 Sir David Attenborough took up ‘The People’s Seat’ at the COP 24 conference in Poland and warned world leaders that we now risk “the collapse of civilisation” (21).

Turning to other risks; the World Water Forum predicted that by 2050 between 4.8 billion and 5.7 billion people will live in areas that are water-scarce for at least one month each year, up from 3.6 billion today, while the number of people at risk of floods will increase to 1.6 billion, from 1.2 billion (22).

Other peer reviewed research has warned of the increased spread of disease due to climate change, with 1 billion more people predicted to be infected by Zika Virus and Dengue fever by 2080 (23)

This range of increasing pressures are predicted to force ever more people to flee their homes. Research has warned that we face the prospects of 1.4 Billion climate refugees by 2060 and 2 billion by 2100 (24).

6.6 Worst case scenarios

In August 2018 a peer reviewed report was published in the science journal PNAS which warned that various self-reinforcing feedbacks could push us to what was termed a “Hothouse Earth” state (Trajectories of the Earth System in the Anthropocene) (25). The report warned of the risk that these feedbacks could cause a runaway climate effect, even if greenhouse gas emissions were reduced. The various feedbacks could cause temperatures to increase by 5°C or 6°C, with appalling consequences for society and human life.

The UN Secretary General has warned that we face the very real danger of “runaway climate change” and that this is “a direct existential threat” (19). Many scientists warn that if a runaway effect were to begin, that would dramatically increase temperatures, and this would result in a collapse in the human population.

Hans Joachim Schellnhuber, the director of the Potsdam Institute for Climate Impact Research in Germany, has warned that the Earth’s population could “be devastated”. He warns that the carrying capacity of the planet could be below 1 billion people” (26).

Johan Rockström, also of the Potsdam Institute and former Director of the Stockholm Resilience centre, who has led research into planetary boundaries, has warned that climate breakdown could lead to a reduction in the human population to around 500 million people (27).

Prof James Lovelock has said he was more certain than ever that billions of people will die over the next century as a result of global warming. He warned that large parts of the world would be uninhabitable and the human population would crash (28).

A reduction in the human population to around 500 million, from around 9.7 billion by mid-century, implies the death of 9.2 billion people. But, if the collapse occurred around the year 2100, when the population might have reached 10.9 billion, this would imply the death of 10.4 billion people.

These worst case scenarios are profoundly shocking. Under no circumstances could a risk of this magnitude ever be justified.

7. The role of [REDACTED: Three politicians named].

[REDACTED: No 1 and No. 2 named] were both government ministers when the Paris COP21 agreement was negotiated. This agreement caused outrage in many quarters because it allowed the wealthiest nations to facilitate energy intensive lifestyles that would increase the number of people killed. The overwhelming majority of the deaths projected would be in the poorest nations of the world.

The COP21 agreement was in breach of Article 2 of the European Convention on Human Rights, the right to life. Not only was the UK government going to maintain energy intensive lifestyles within the UK, it negotiated a clause that would allow it to increase emissions in some sectors.

COP 21 required that nations adopt policies to contribute to keeping global average temperatures “well below 2°C” and pursue negative emissions technologies after the year 2050, throughout the second half of the century, to reduce temperatures to the 1.5°C threshold by the year 2100. The quantity of CO₂ to be removed from the atmosphere would be unprecedented and faces extreme technological barriers. Peer reviewed research indicates that the trajectory we are on will leave the young with a bill of up to \$535 trillion to pay to remove a staggering amount of CO₂ and other gases from the atmosphere (29). Many scientists fear that the technologies proposed will never work at scale or will be too expensive for implementation, leaving the young to face complete climate breakdown and mass loss of life (30).

[Redacted No 3 politician named] was responsible for ratifying the COP21 agreement when he was Foreign Secretary and would have been aware that the UK had negotiated an agreement that would allow greenhouse gas emissions to increase in some areas and that this would contribute to mass loss of life.

In the light of the various intergovernmental conferences and UK conferences, {REDACTED: The three politicians} had attended, it is clear they were all aware that mass loss of life had begun due to climate breakdown and that this would become exponentially worse in the future. Despite that, they all supported governmental policies that would increase greenhouse gas emissions in some sectors and slow the pace of decarbonising the UK economy.

In the case of [REDACTED: No. 2 named], was present at the One Planet conference organised by President Macron of France at which he warned there could be “billions of victims” (31).

When presented with overwhelming evidence that climate breakdown would destroy some nations and inflict appalling suffering upon the young, within the UK and elsewhere, the government failed to adopt policies that would lead to a rapid decarbonisation of the economy. Because the UK had industrialised around 200 years before China, and other developing nations, and had been polluting for far longer, it was clear that the UK had a greater responsibility to decarbonise more quickly than other nations. Instead of mandating a range of policies that would dramatically reduce emissions, the three accused were key figures in maintaining carbon intensive lifestyles.

The three accused could have implemented policies that would reduce car use, increase public transport, walking and cycling but they maintained policies that would facilitate high levels of petrol and diesel car use.

The three accused could have implemented policies that would have led to the construction of net-zero homes and policies that resulted in rapid renovation of the existing housing stock, but they undermined efforts that would have resulted in a rapid reduction in greenhouse gas emissions from homes and other property.

The three accused also vigorously supported the pursuit of Fracking technology, a new fossil fuel industry, to get more gas and, when the technology was shown not to be viable, government announced it would rather seek new supplies of gas from elsewhere than implement a radical energy efficiency programme to reduce energy use (32)

The three accused could have ordered a rapid onshore and offshore wind farm construction programme but they vigorously opposed onshore wind power in England and refused to support rapid deployment of wind power elsewhere in the UK. When the evidence showed conclusively that mass loss of life would ensue, unless the UK made a dynamic shift to a range of renewable technologies, the government vigorously opposed that model.

Astonishingly, the three accused vigorously supported the expansion of a number of non-essential luxury activities such as aviation and ocean cruises. Despite knowing that these would contribute to mass loss of life, the three accused supported a range of fiscal and planning policies that facilitated the growth in destructive activities.

On 1 May 2019 Parliament passed a motion of a declaration of an environmental and climate emergency. Despite a categorical warning that we face an unprecedented emergency Boris Johnson's administration made policy commitments to growing emissions from the aviation sector and plan an increase of gas from abroad for UK consumption.

8 Examples of government's genocidal policies

Here is a list of policies which the three named individuals have actively supported. It is not exhaustive, but proves that the three accused have sought policies that would increase the number of people being killed by climate breakdown: -

- In 2015 the government set up the UK Oil & Gas Authority with the statutory principal objective of maximising the economic extraction of the UK's oil and gas resources. It describes its purpose as "Our purpose is to maximise the economic recovery of oil and gas." (33). This was the same year as the UK government negotiated the Paris COP21 agreement.

- Every year since 2010, the government had either cut or frozen fuel duties on fossil fuel diesel & petrol (34). The Chancellor Philip Hammond, stated that this will have benefitted the transport fossil fuel industry, by the end of the current budget forecast period, by a staggering £84 billion.
- Since 1980, the government has overseen a reduction in the cost of motoring by 20% but it has facilitated an increase in the cost of public transport of 64% (35). This has the effect of increasing fossil fuel consumption and greenhouse gas emissions.
- The government increased Vehicle Excise Duty on more efficient vehicles and reduced them on less efficient vehicles (36).
- The government perversely imposed a climate change tax on renewable electricity. It imposed rateable valuation tax on organisations having solar panels (37) and raised VAT on solar panels from 5% to 17.5% (38).
- The government has banned English on-shore wind & solar from receiving any government subsidies or contracts for difference supply agreements with national grid (39).
- The government plans to invest £25 billion in new roads (40) but a mere £120 million annually in new protected sections of a national cycleway network (41).
- According to EU data the UK gives the highest government subsidies to fossil fuels of any country in the EU, at £10.5 billion annually (42).
- The UK government is providing tax subsidies of £24 billion to the North Sea oil & gas industry. The UK government cut taxes on fracked gas from 62% to 30% making it, according to the government itself, the most generous scheme in the world for fracked gas (43) (32).
- The government increased planning restrictions on onshore wind-turbines (44), whilst abolishing the requirement for planning permissions for fracking under land adjacent to fracking wells (45).
- Between 2014 and 2017 the government poured £2.4 billion into fossil fuel industries in low and middle-income nations, locking them into decades of dependency on oil and gas (46).

- The government cuts to home energy efficiency projects resulted in a 98% reduction in new installations between 2010 and 2018 (47).

- In July 2015 the government scrapped the planned tighter energy efficiency standards that were due to come into force in 2016 (48). The new regulations would have required all new homes to carbon neutral, with better standards of insulation, more energy efficient lighting and other appliances. The new homes would provide with various renewable technologies for power and heat, with housebuilders being able to deliver equivalent carbon savings off site.

- The government has given the go-ahead for a new runaway and massive expansion at Heathrow Airport and encouraged expansion of aviation at regional airports. It did this despite being warned by its own Committee on Climate Change (CCC) advisers that it would be incompatible with the government's carbon reduction targets that are legally required by the Climate Change Act, at current passenger duty levels (49). In October the government rejected the advice of the CCC to include aviation and shipping in the UK's 2050 Net-Zero target (50).

9. The crimes of are clear: Crimes against humanity and genocide

The crimes outlined are directed overwhelmingly at the young and also the most vulnerable nations in the world. The offence of 'crimes against humanity' is directed at a specific group - the young. Indeed, the younger a person is, the more they will suffer.

The crime of 'genocide' is clear because several low-lying island states will be annihilated. There will be very many additional deaths elsewhere, mainly in the poorest, predominantly non-white nations of the world.

The scale of death and suffering will almost certainly equal that inflicted by the great 20th Century tyrants, including Hitler and Stalin. But there is a very real risk that the suffering will be far worse, killing many billions of people. Never before in history has a politician proposed a course of action that would lead to hundreds of millions of deaths, let alone many billions of deaths.

These crimes are clear and are unprecedented in scale. The victim nations can be identified, many individuals can be identified and the section within society most targeted has been identified – the young.

Those with primary responsibility have been identified. This clearly falls within the legislation referred to on Page 1, so it is now for the police to mount a thorough investigation and charge these three people with the criminal offences.

10. Defence

It seems likely that those representing the three accused will argue that government policy was formulated in the context of wider economic considerations and within an international framework agreed by the United Nations.

However, the science is clear that short term financial benefits would impose far greater costs in the future. The economist Nicholas Stern produced the Stern Review on the Economics of Climate Change in 2006 calling for 1% of GDP to be invested to stop climate breakdown and warned, without action, the overall costs of climate change would be equivalent to losing at least 5% of GDP each year, now and forever. The report warned that a wider range of risks and impacts could increase this to 20% of GDP or more, also indefinitely. Stern warned that 5–6°C of temperature increase is "a real possibility" (51).

It should be noted that in October 2019 the Bank of England governor, Mark Carney, warned of a financial collapse if the climate emergency is not tackled. He said the longer action to reverse emissions was delayed, the more the risk of collapse would grow (52).

In addition, it must be noted that in October 2018 the landmark IPCC report called on governments to cut emissions by 45% by 2030 and achieve net-zero by 2050. The government's policies do not align with the scientific advice and the UK is not willing to take a fair share of the remaining global carbon budget (53).

The Paris Agreement allows more latitude for developing countries, which means that developed countries, including Britain, need to cut more quickly. Part of the reason why global emissions are still continuing to rise is because developed nations, like the UK, are not willing to restrict their emissions to an equitable share of the IPCC's remaining carbon budget. As said above, the UK industrialised around 200 years before China and therefore has a greater responsibility to cut its emissions more quickly.

It is also likely that a defence will be offered that the UK has cut its emissions by around 42% since 1990 but that is mainly because so much UK manufacturing has been moved to other nations, including China. In fact, the UK has made modest reductions in emissions by reducing the use of coal for generating electricity and by deploying more wind and other renewables sources of electricity generation. When looking at greenhouse gas emissions associated with UK consumption, our emissions have only dropped by around 11% (54).

11. Conclusion

[Redacted: The Three accused named] have all supported a range of policies that increase greenhouse gas emissions from some sectors and slow the pace of decarbonising in other sectors. The three are aware of the implications of these policies upon the young and the most vulnerable nations.

All three are aware that climate change is causing mass loss of life today and could kill billions of people in the future.

All three are aware that their policies do not meet the requirements laid down by the international community (the IPCC recommendations and the UN COP process – Conference of the Parties).

All three are aware that their policies do not meet the advice of government's own statutory advisory body, the Committee on Climate Change.

On 14 October 2019 an Environment Bill was announced in the Queen's Speech and introduced to Parliament (55). None of its provisions include policies that will enable the UK to reduce greenhouse at a dynamic and rapid pace. The Environment Bill provides a clear signal that the government and

the [REDACTED: No 3 Accused named], is not committed to taking the action needed to avoid further mass loss of life.

A criminal investigation must now be commenced.

Name Date

Address

Name Date

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