



Climate Genocide Act Now  
[ADDRESS Redacted]

Email address@ xxxxx

27 June 2020

Commander Richard Smith  
SO15 Counter Terrorism Command  
New Scotland Yard  
Victoria Embankment  
London  
SW1A 2JL

Dear Mr Smith,

**Request for criminal investigation into [REDACTED XXXXXXXXXXXX]: Crimes Against Humanity and Genocide.**

**Complaint to the IOPC**

Thank you for your letter of 18 June.

On 29 May the Met Commissioner informed me that the complaint to the IOPC would be handled by Assistant Commissioner Dean Haydon. Today I am writing virtually the same letter to you, the Commissioner, Mr Hayden, Sergeant Glenn Bacon, David Boyd (CTPHQ) and am copying this letter to the IOPC.

**Desperate urgency: Billions to be murdered.**

Before dealing with your letter, I need to emphasise that on 25 June the UK's Committee on Climate Change issued yet another stinging rebuke to the government on its policies relating to climate breakdown. I do not expect police officers to read the 196 page report, but I do expect senior officers to be aware that a number of reputable scientists have commented upon it, arguing that somehow we must now attempt to prepare for a 4C hotter world this century and warning that "billions" of people will be killed.

The "billions" to be killed will mainly be residents of the poorest nations on Earth; they will be black, Asian and/or live in Central/South America. The 'global south' nations are predominantly non-white and will be killed because their lives matter so little to some politicians in the wealthy, predominantly white world.

The killing of the world's poorest people has begun. Over 400,000 are being murdered every year, and the public has every right to expect the Police to act decisively to stop the killings.

**Incorrect letters by SO15 of 3 December 2019 and 18 June 2020**

The Police can only act to stop these killings if the law allows them to intervene. Thankfully the law is crystal clear and allows for your intervention by commencing a criminal investigation. However, both Sergeant Bacon's letter of 3 December and your letter of 18 June have misinterpreted the legislation and have reached an incorrect conclusion.

'Intent' and 'mens rea'

On 3 December 2019 SO15 said it was unable to act because there was no evidence of "intent" to commit the crimes outlined in the legislation. Despite my explaining why that conclusion was flawed and despite issuing repeated reminders, SO15 would not answer the points made in correspondence. On 18 June 2020 you approached the question of "intent" differently. You pointed to the 'mens rea' required for these offences to apply.

There are 5 degrees of culpability (mens rea): -

**Direct intention:** A person has a clear foresight of the consequences of their actions and desires those consequences to occur. It is the person's aim or purpose to achieve the consequence - death.

**Oblique intention:** The death is a virtually certain consequence of the person's actions, and that the person appreciates that such was the case.

**Knowingly:** The person knows, or should know, that the results of their conduct are reasonably certain to occur.

**Recklessness:** The person foresees that particular consequences may occur and proceeds with the given conduct, not caring whether those consequences actually occur or not.

**Criminal negligence:** The person did not actually foresee that the particular consequences would flow from their actions, but a reasonable person, in the same circumstances, would have foreseen those consequences.

**The degree of culpability rests between the first two categories. The crime we are looking at has elements of both.**

All three [The Accused ] had 'clear foresight of the consequences of their actions'; they had received detailed briefings, had attended international and national conferences and knew that mass loss of life had already begun and would escalate over the coming years. In the case of [ No. 1 Politician named ] he had actively campaigned on the issue. [Two others named ] had both given the general impression they cared little about the issue but, before leaving office, [ No. 2 politician named ] strengthened the UK's climate change target and [No. 3 politician named ] was responsible for ratifying the COP21 agreement when he was Foreign Secretary. All three had received the most dire briefings about the consequences of climate breakdown and were fully aware that unprecedented loss of life would ensue.

It could be argued that all three had an 'oblique intention' to commit the crime, but all three knew with absolute certainty that the consequence of their policy decisions would be to contribute to mass loss of life. It would be wrong to argue that they were 'virtually certain'. The science was clear and they all knew the science showed that certain types of policy action would lead to catastrophic loss of life.

Indeed, on 1 May 2019 Parliament sought to reassure the public that it took this matter seriously by making a declaration of environmental and climate emergency. All three individuals were keenly aware of the debate in Parliament and the reasons for making the declaration of an 'Emergency'.

The three lower categories of culpability, or mens rea, (knowingly, reckless and criminal negligence) do not apply because death was assured. Death was an absolute certainty. If certain policies were pursued these were guaranteed to contribute to mass loss of life.

An additional factor to consider is that the three individuals gained personally from luxury, high carbon lifestyles. They enjoyed the personal pleasures these lifestyles brought and also enjoyed a wider financial benefit by imposing the costs of their policies upon the poor and the young. As has been explained previously, [ the three named ] had responsibility for putting into effect the Paris COP21 agreement, that required that the young must pay to remove from the atmosphere a vast amount of CO2 after the year 2050. Because these politicians were not willing to pay that crippling sum, the COP21 agreement required that the young must pay it between the years 2050 and 2100 (to attempt to stabilise climate at the 1.5C threshold).

## Legal precedents

I have read the precedents outlined here which show how the approach to 'oblique intention' has evolved. See: - <http://www.e-lawresources.co.uk/Mens-rea-intention.php>

These precedents go to the heart of the arguments put to you. **{The three Named }** wanted to achieve certain financial objectives and to also enjoy high carbon lifestyles and, if they were to achieve those objectives, they had to support a series of policies that they knew were guaranteed to contribute to mass loss of life. They knew that appalling suffering today, within the most vulnerable black and Asian nations, was essential if **[ the Politicians ]** were to achieve their aims. The **[ the Politicians ]** also knew that appalling suffering was guaranteed for all young people, in the future, if **[ the Politicians ]** were to achieve their objectives.

The **[Politicians ]** may claim that they didn't know that billions of people would be killed, but it is clear they all knew mass loss of life was guaranteed. In the case of **[No. 2 named ]**, it is well documented that President Macron of France warned her at a conference that there would be billions of victims if they did not change their ways. Today **[No. 3 named ]** is well aware what is at stake and yet over the last few days has been looking at funding support for a huge new gas facility in Africa and at ways of expanding aviation in the UK without requiring commensurate carbon sequestration.

The evidence is clear that, for **[ the Politicians ]** to achieve their aims, a range of policies were necessary that were guaranteed to kill in unprecedented number. This puts the crimes outlined between the definitions of 'direct intent' and 'oblique intent'. Elements of both definitions apply in this instance.

The threshold is categorically not below that of 'oblique intention'. Therefore a criminal investigation must ensue to establish all the evidence relating to the policies pursued, including questioning of the suspects.

## Article 30: Rome Statute of the International Criminal Court

I am shocked that you did not even mention Article 30 of the Rome Statute in your letter. This makes it absolutely crystal clear that we have met the threshold for investigation. I repeat again: -

### Article 30 (Mental element)

1. Unless otherwise provided, a person shall be criminally responsible and liable for punishment for a crime within the jurisdiction of the Court only if the material elements are committed with intent and knowledge.
2. For the purposes of this article, a person has intent where:
  - (a) In relation to conduct, that person means to engage in the conduct;
  - (b) In relation to a consequence, that person means to cause that consequence or is aware that it will occur in the ordinary course of events.
3. For the purposes of this article, "knowledge" means awareness that a circumstance exists or a consequence will occur in the ordinary course of events. "Know" and "knowingly" shall be construed accordingly.

## CPS guidance – public interest.

While writing I will mention that I have taken note of Section D 'Referral to CTD for consideration of prosecution'. Subsections 7 – 10 say: -

7. In every case where there is sufficient evidence to justify a prosecution, prosecutors must go on to consider whether a prosecution is required in the public interest.
8. When deciding the public interest, prosecutors must consider each of the questions set out in paragraphs 4.12 (a) to (g) of the Code

9. If there is sufficient evidence of these crimes it is highly likely that a prosecution would be in the public interest.
10. The Attorney General would then be asked to consent to the prosecution.

I will take this opportunity to make it clear now that protecting the UK food supply, saving £billions of UK property from flooding & storm damage and saving the UK from utter chaos caused by the collapse of a number of nation states is absolutely 'in the public interest'.

It is clear we have also met the public interest test and, if you agree to act in accordance with the legislation, and commence the criminal investigation, you will probably save millions of lives within the UK and billions globally.

### **The legal implications for individual police officers.**

On 20 May I said: "Given the profound implications for The Met, for your officers and for literally billions of lives, I ask that you ensure this matter is now handled with the utmost care and integrity." It is profoundly shocking that you have still not answered the detailed points put to SO15 about "intent" and the requirements laid out in Article 30 of the Rome Statute. Hundreds of people are keenly watching developments and many are angered/ deeply saddened by SO15's refusal to answer the case put forward.

I now ask you to consider carefully what the implications are of your refusal to mount an investigation in accordance with the legislation. If you fail to do so you will know that it is extremely likely that the [ **Politician** ] will not alter his policies and he will continue with his existing plan of action to provide financial support to fossil fuel expansion around the globe, expand polluting activities like aviation in the UK and achieve a dramatic slowing of the pace of decarbonising of road transport, home heating and many other activities.

Senior police officers will know that mass loss of life will then ensue. They will know that they could have stopped the killing. Met Police Officers will know they did not want to kill, but they will also know that mass loss of life was likely as a result of their refusal to intervene in accordance with the legislation.

I again appeal to all police officers to now consider this issue with the utmost care. Please do seek professional legal advice and, if you genuinely do believe that our understanding of the legislation is flawed, then you must end your obfuscation and explain with precision why you believe we are wrong.

A key issue for the IOPC to consider is whether SO15 and The Met are willing to explain precisely why our thinking is wrong or whether you are determined to continue the path of obfuscation. IOPC must consider whether your decision to ignore the provisions of the International Criminal Court Act 2001 is a political decision.

This letter has been copied to IOPC but I appeal to you to now answer all points made.

Yours sincerely.

Jon Fuller: Climate Genocide Act Now