



ADDRESS and email address REDACTED

19 March 2021

Mark P Dillon  
Head of Information & Evidence Unit  
Office of The Prosecutor  
International Criminal Court

Dear Mr Dillon,

**Ref OTP-CR-22/21**

**Allegations of crimes against humanity and genocide against three British Prime Ministers.**

**The thinking outlined in the letter of 15 March is flawed.**

I have received your letter of 15 March and reject your conclusions. I am extremely disappointed to see that you invite me to take the matter up with the “appropriate national authorities” despite my having informed you that this group had exhausted the options open to us in the UK. This strongly suggests that you have not read my letter of 3 February.

I must therefore remind you what is at stake. The science is clear that at least 5 million people have so far been killed, billions of people could be killed, with a number of low lying island states being completely annihilated. Never before in history has any political regime pursued a path that would lead to so much suffering and the destruction of so many nations.

You are required to consider the ‘gravity’ of a case before initiating proceedings. I put it to you that it is very unlikely that the International Criminal Court will ever handle a case that will entail greater suffering and death than this. It is therefore breath-taking that you should be so dismissive, failing to address the specific and clear points made.

If you had read the letter of 3 February you would know that the UK authorities fobbed us off at every turn and refused to answer the specific points made. It was abundantly clear that the reason the UK police rejected our case was for political reasons. It appears you have done the same.

I therefore call upon you to now give this matter the consideration it deserves.

The Rome Statute Articles that apply are as follows: -

Article 6. Genocide: *'For the purpose of this Statute, "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:*

*(a) Killing members of the group;*

*(b) Causing serious bodily or mental harm to members of the group;*

*(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.'*

Article 6 (a), (b) and (c) apply in this case because, for the accused to secure the personal and financial gains for themselves and their nation, the victim nations had to be destroyed. The destruction was an inevitability, or a necessity, if the gains sought by the accused were to be realised (see dossier of evidence). If the accused, and their associates, chose an entirely different path, rapidly decarbonising economies, several low lying island states would be saved from complete annihilation and the billions of people who might otherwise have been killed would be saved.

Article 7. Crimes Against Humanity 1. *For the purpose of this Statute, "crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:*

*(a) Murder;*

*(b) Extermination;*

Article 7 (a) and (b) apply because, for the accused to secure the personal and financial gains for themselves and their nation, the victims had to die. Again, it was an inevitability, or a necessity, if the gains sought were to be realised. The evidence submitted shows that 400,000 people had been killed in 2011, with 360,000 of this number being killed over several days or weeks. They were killed slowly by the increased spread of disease in the 1C hotter world. They were tortured to death.

The data suggested that number would increase as every year past, indicating that nearly 5 million people had been killed since the data was gathered.

Article 7. Crimes Against Humanity. 1. *For the purpose of this Statute, "crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:*

*d) Deportation or forcible transfer of population;*

*(e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;*

Article 7 (d) and (e) apply because several of the low-lying island states are guaranteed to be annihilated. Their populations will either die or they will be forcibly transported to other territories. This is the very definition of Article 7 (e): *'severe deprivation of physical liberty'*. The populations are to be told that they must either leave their nation or they will die.

Article 7. Crimes Against Humanity. 1. *For the purpose of this Statute, "crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:*

*f) Torture.*

The definition of 'Torture' in the Statute says: - *"Torture means the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused; except that torture shall not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions;"*

This is the one subsection that requires professional legal advice. It is clear that killing 360,000 infants p/a by the increased spread of disease (see dossier) and increasing the number who are killed slowly over days or weeks, can be described as 'torture'. However, it may be that the International Criminal Court feel that the children are not 'under the control of the accused'. There will however be other expert opinion that argues that the children 'are under the control of the accused' because it is their policies that either result in slow death or different policies that save the victims from torture and death.

This is an argument that needs careful analysis.

Article 7 (k) Crimes Against Humanity 1. *For the purpose of this Statute, "crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:*

*k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.*

Article 7 (k) applies because the accused supported and still support a series of measures that are guaranteed to cause 'great suffering'; they are guaranteed to cause 'serious injury to body or to mental or physical health' and the willingness to inflict such extreme suffering, on such an unprecedented scale, represents behaviour that can only be described as an 'inhumane act'.

The dossier of evidence submitted provides further information on the range of extreme suffering that is to be inflicted primarily upon three groups: -

1. Those living in nations on the frontline of climate breakdown;
2. The poorest people on the planet who cannot defend themselves against the extreme suffering that is unfolding; and
3. The young – the younger a person is the more they will suffer as the Climate Catastrophe accelerates.

The case submitted to you clearly meets the criteria laid down in Articles 6 and 7 of the Rome Statute. Article 8 clearly refers to 'War Crimes' and so this section may seem inappropriate. However it is vital that the International Criminal Court obtains the views of those nations that are going to be annihilated or suffer an extreme loss of life. It may be that the nations on the frontline of climate breakdown believe that what was wilfully done to them was an act of warfare.

### **Article 30. 2 (b)**

In my letter I referred to a key part of the Rome Statute - Article 30. 2(b). I referred to it in its entirety but remind you of the specific clause: -

*2. (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.*

From the many statements made by the accused it is clear that they understand the consequences of their actions. Despite understanding that appalling suffering and death will ensue, they have sought to increase emissions from a number of sectors. The science is absolutely clear that increasing emissions will cause mass death. There is no credible defence to the allegations.

The International Criminal Court must not ignore the Rome Statute merely because it is inconvenient. If the ICC feels that 30. 2 (b) does not apply then the ICC must explain why that is the case.

## **Next steps**

I call upon you to now give this matter the consideration it warrants. It is clear that the Rome Statute applies in this case and the gravity of the suffering and death are so extreme that it deserves detailed research and investigation by the ICC.

It may be that you didn't read the dossier of evidence sent to you or you didn't understand the science relating to climate breakdown, so I repeat my offer to meet with you and your staff. I am happy to bring a small delegation to The Hague when Covid restrictions permit travel.

In the meantime I ask that you obtain professional legal advice on the points I have made and you also ensure that the primary victim nations are given an opportunity to make representations on this matter. It cannot be justified that you should withhold information from so many nations on the crimes against them and deny them the legal remedy that the ICC allows for reparations. The sums involved would be in the £billions and might allow for the dignified re-settlement of millions of people.

The entirety of this case should be the subject of the widest possible consultation by the ICC.

Please let me know that you are now willing to take the murder of billions of people seriously and handle this matter in a professional and ethical manner. If you do not feel able to do so please send me the instruction materials on the method to appeal directly to the Judges of the International Criminal Court.

Yours sincerely.

Jon Fuller

Climate Genocide Act Now