

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

1. Crimes Against Humanity

2. Genocide

REDACTED FOR MEDIA

These offences were/are being perpetrated by: -

Name: XXX

Position

Name: XXX

Position

Name: XXX

Position

Name: XXX

Position

1. Prosecution sought under International Criminal Court Act 2001 and Article 30. 2(b) Rome Statute of the International Criminal Court.

Request to the police to press charges for crimes against humanity and genocide against 4 NAMES and 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These crimes were initially incorporated into UK legislation by the Genocide Act 1969, which was repealed and replaced by the International Criminal Court Act 2001.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. Article 30.2 (b) of the Rome Statute of the International Criminal Court

Article 30. 2(b) of the Rome Statute tackles cases of ‘Oblique Intent’, where a person may claim they did not have ‘direct intent’ to kill but mass loss of life was likely if they pursued a particular path.

In the case of climate breakdown all of the accused know that mass loss of life has already begun but they have continued to support a range of policies that will increase the number being killed every year.

The four accused know, with absolute certainty, that several low lying island states will be completely annihilated if current policies continue to be pursued (the annihilation of a state by

causing sea level rise is genocide). This process has begun with people already being forced to leave the island states where they live.

The four accused know, with absolute certainty, that a range of extreme weather events, driven by climate breakdown, are already causing thousands of deaths within the UK and hundreds of thousands of deaths every year around the world.

In their defence it may be argued that that had 'oblique intent to kill' but the fact that they know they could not achieve their personal, economic and political objectives without the killings taking place points towards a charge of 'direct intent'.

A charge of 'direct intent' is more appropriate than 'oblique intent' enshrined in Article 30. 2(b) but a prosecution should be considered on both counts.

See Annex 1 for Article 30.2 (b).

6. Who is guilty?

The police are requested to mount an investigation into these allegations and to bring charges against the four figures who have greatest responsibility for the crimes committed (NAMED and POSITION). There is a case that former NAMED and POSITION should also be prosecuted, 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 very 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 being undertaken to establish whether prosecutions for these crimes should be pursued by the police.

7. Outline of the crime

7.1 The 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 1.2°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 an appalling way to kill another human being.

7.2 Sahel Region of North Africa

The World Economic Forum (Davos) states that climate breakdown is partly to blame for increasing violent conflict. It says: "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)

In August 2022, as the rains failed for a fourth consecutive year in the Horn of Africa, the United Nations warned 50 million people were now at risk of acute food insecurity and warned of evidence from the World Meteorological Association that the rains appear likely to fail for a 5th year (5)

The World Economic Forum reports that more than 18 million people face severe hunger in Ethiopia, Somalia and Kenya (6), including: -

- Ethiopia: 4.7 million children are facing acute malnutrition.
- Somalia: 1.5 million children under the age of five are facing acute malnutrition
- Kenya: almost 1 million children under five are facing acute malnutrition

The United Nations Environment Programme makes it crystal clear that the unprecedented drought is attributable to climate breakdown (7), warning that what was seen in 2022 is the ‘new normal’.

The four named politicians, virtually every MP in the UK and the vast majority of key business figures know that millions of people are suffering the agony of starvation, watching their children and babies die, their livestock and agriculture wither and die, and face the brutal fact that they must either leave their homelands or die.

This is currently the greatest crime against humanity, where tens of millions people are being starved to death or forced from their homelands. The scale of suffering is so difficult to comprehend and confront that most people will choose to look the other way. The four named politicians may have chosen to look the other way but all know, with absolute certainty, that what is happening is directly linked to the policies that lead to greenhouse gas emissions and climate change. Despite knowing that hundreds of thousands of people, including children, are being tortured to death by starvation, the four politicians continue to support the expansion of several polluting industries and the maintenance of unnecessarily high emissions in other sectors. The accused not only intend to contribute to the current levels of suffering, they are wilfully pursuing policies that will increase the number being killed and tortured to death.

The 2022 AR6 report by the Intergovernmental Panel on Climate Change (8) warned of far worse to come. Up to 700 million Africans, half the population of the continent, could be driven from their homes by 2030.

The enormity of it, and the appalling global consequences, of such a cataclysmic event, are almost unfathomable. However, it is obvious to all impartial observers that this is a crime against humanity. The only people who would disagree are those who intend to facilitate this crime or will be complicit in this crime.

The sheer staggering scale of this barbarism, this ultimate crime against humanity, is unprecedented in history.

7.3 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 (9). 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 (10). These were again linked to an increase in deaths (11).

The two 2022 summer heatwaves in the UK are said to have resulted in excess deaths of hundreds of people, with Public Health England (PHE) making a clear link between heat and excess deaths. Data on deaths in 2022 is still being analysed but the deaths due to heatwaves in 2021 are likely to exceed 1,500 people. Deaths in 2022 are likely to be higher. PHE has stated over 3,000 are likely to have been killed from 2018 to 2021 (12).

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 (13). Here in the UK, the 2018 drought led to an average reduction of 20% in yields of onions, lettuces, carrots and potatoes (14).

The 2022 drought across most of Western Europe again damaged crops. Media reports were extensive, ensuring all government ministers and business leaders understood that climate breakdown was beginning to cause extreme reductions in agricultural output in several regions and an overall reduction across the whole of the EU, and the UK.

7.4 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 (15).

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 (16).

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?” (17) 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 (18). 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 (19).

The well respected science journal, 'Carbon Brief' has produced analysis (20) showing that: -

- 71% of the 504 extreme weather events and trends included in the map were found to be made more likely or more severe by human-caused climate change.
- 9% of events or trends were made less likely or less severe by climate change, meaning 80% of all events experienced some human impact. The remaining 20% of events and trends showed no discernible human influence or were inconclusive.
- Of the 152 extreme heat events that have been assessed by scientists, 93% found that climate change made the event or trend more likely or more severe.
- For the 126 rainfall or flooding events studied, 56% found human activity had made the event more likely or more severe. For the 81 drought events studied, it's 68%.

2022 has seen more horrific extreme floods that are directly connected to climate breakdown. The flooding earlier in the year in South East Africa impacting Malawi, Mozambique, Zimbabwe and parts of South Africa, killed hundreds of people and severely damaged infrastructure. The damage to infrastructure was so severe that this may mark a turning point where economic activity continues to decline, forcing populations into permanently worsening poverty.

The flooding in Pakistan in August and September 2022 is fresh in memories and is again directly linked to climate breakdown. Pakistan's climate change minister, Sherry Rehman, said that around 32 million people had been affected, 2 million displaced, around 1,500 killed by the impacts of flooding, 12% of the land in Pakistan (30% of all districts) was under water and deaths would increase due to the spread of disease.

In a Channel 4 News (21) report the Minister said her country was in a "climate dystopia", the world had passed a climate tipping point, that these borderless challenges are the "tragedy of the century" which "brings social instability and violence" and "we are facing threats like we've never faced before".

7.5 Death and suffering in the future: Sea Level Rise

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 report, the 'Special Report on the Ocean and Cryosphere in a Changing Climate' (22) 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 (23).

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 (24). 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, their annihilation, being removed from the map, is an unprecedented act of genocide. The Prime Minister of Barbados, Mia Mottley, has on a number of occasions used the expression "climate genocide" to describe what is being done to the low lying island states (25). In December 2021 the Prime Minister of Samoa, one of the most climate vulnerable countries on the planet, warned of the possible need to use international criminal law to stop the destruction of vulnerable states (26).

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.

7.6 Death and suffering in the future: other impacts.

As each major report from the IPCC, UN, WMO and others is released the UN Secretary General, António Guterres, has issued a number of stark warns about the gravity of the threat: -

- **On 10 Sept 2018** he said we now risk "runaway climate change" and that this is "a direct existential threat" (27).
- **On 9 August 2021** he warned that climate change now represented "Code Red for Humanity" (28).
- **On 4 April 2022** he said "We are on a fast track to climate disaster. Major cities under water. Unprecedented heatwaves. Terrifying storms. Widespread water shortages. The extinction of a million species of plants and animals. This is not fiction or exaggeration. It is what science tells us will result from our current energy policies. We are on a pathway to global warming of more than double the 1.5°C limit agreed in Paris. Some Government and business leaders are saying one thing, but doing another. Simply put, they are lying. And the results will be catastrophic. This is a climate emergency. Climate scientists warn that we are already perilously close to tipping points that could lead to cascading and irreversible

climate impacts. But, high-emitting Governments and corporations are not just turning a blind eye, they are adding fuel to the flames. They are choking our planet, based on their vested interests and historic investments in fossil fuels, when cheaper, renewable solutions provide green jobs, energy security and greater price stability.” And “climate activists are sometimes depicted as dangerous radicals, but the truly dangerous radicals are the countries that are increasing the production of fossil fuels” (29).

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 (30).

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” (31).

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 (32).

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 (33)

This range of increasing pressures are predicted to force ever more people to flee their homes. Cornell research has warned that we face the prospects of 1.4 Billion climate refugees by 2060 and 2 billion by 2100 (34).

7.7 Terrorising the public

A number of academic institutions are studying the impacts of climate breakdown on mental health. Detailed research published in the Lancet (35) and a recent BMJ article (36) noted that the effects of eco-anxiety on individuals can be severe, with 4 in 10 young people expressing fear for any children they may have. Research by Yale-NUS (37) noted that concerns about climate change could have a large impact upon population demographics.

While some will welcome the prospect of smaller populations, the fact cannot be escaped that large numbers of young adults are being terrorised by politicians and key business figures into not having children.

7.8 Plausible worst case scenarios

The four accused are all aware that the Earth’s climate system is complex and that there are risks that a series of climate feedbacks could deliver a devastating blow to all life on Earth. The science around when, and how severely, each of the climate feedbacks will hit is uncertain, but the risk is real and well known. Three of the feedbacks that are occasionally discussed in the media are: -

- Thawing permafrost that releases vast amounts of methane into the atmosphere, accelerating global heating;

- Retreating Arctic sea ice, that swaps white sea ice, that reflects solar radiation into space, with open ocean that appears dark from space and absorbs the majority of solar radiation; and
- The dieback of the Amazon rainforest that switches the Amazon from a carbon sink to a source of carbon emissions.

In August 2018 a peer reviewed report was published in the science journal PNAS which warned that various self-reinforcing feedbacks could push the planet into a “Hothouse Earth” state (Trajectories of the Earth System in the Anthropocene) (38). The report warned of the risk that these feedbacks could cause a runaway climate effect, even if greenhouse gas emissions from human activities were reduced. The various feedbacks could cause temperatures to increase by 5°C or 6°C, with appalling consequences for society and human life.

Earlier this month (September 2022) a report was published in the journal Science (39 & 40) warning that the Earth may already have passed certain critical tipping points that will have profound implications for life. The report detailed 16 main tipping points that have either been activated or will soon occur. The implications of the report were crystal clear – humanity must dramatically and immediately reduce greenhouse gas emissions and begin a vast task of drawing down carbon dioxide from the atmosphere.

Johan Rockström, of the Potsdam Institute and former Director of the Stockholm Resilience centre, who has led research into planetary boundaries, has warned that 4°C of global heating would be disastrous for the human population. When quoted in a recent interview (41) he warned the planet may only be able to support half the current population at 4°C of global heating. If temperatures reach 4C by 2100 and the human population was on a trajectory for 9 billion people, that would suggest perhaps 5 billion people would be killed.

Hans Joachim Schellnhuber, the director of the Potsdam Institute for Climate Impact Research in Germany, has warned (42) that the Earth’s population could “be devastated”. He warned that the carrying capacity of the planet could be below 1 billion people” at 5°C or 6°C of global heating.

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 (43).

The most recent analysis by the Chatham House think tank (September 2021) (44) warned of a plausible scenario of 7°C of global heating by 2100. The risk was said to be low, at 10%, but it is reasonable to conclude that would kill most people on the planet. 7°C of global heating would be an average across the planet but heating over land would be double that of heating over the oceans. Some parts of the world would see abrupt average heating of 14°C which would decimate populations.

No civilised person would ever run a 10% risk of killing billions of people and yet that is what the four accused have been willing to do. To cause such unimaginable horror represents the extreme end of barbarism and brutality.

8. Nuremberg: Legal precedent from history:

At the end of WWII and at Nuremberg core principles were established that everyone ought to understand: -

- Even if you pretend that crushing and killing a section of society is legal, it isn't. You know full well that you are committing a heinous crime;
- You do not participate in that crime, you do not facilitate that crime and you must not be complicit in that crime;
- You do not participate in the crime even if other nations are continuing to commit the crime;
- If your job requires that you are complicit in the crime you must resign; and
- You will be tried in court even if you had constructed a legal frame work to allow for the crime to be committed.

When applied to the context of the policies that cause climate breakdown: -

- Politicians must know they are committing a heinous crime by expanding polluting activities that increase greenhouse gas emissions and contribute to mass killing;
- Politicians have an absolute duty to withdraw from the 'battlefield', ending the war on the vulnerable and the young;
- They must withdraw as fast as is humanly possible, not at a speed that is merely 'convenient';
- A range of luxuries and comforts that cause climate breakdown must stop (e.g. aviation tourism stopped, gas guzzling cars banned, non-essential car travel stopped, overheating homes stopped; high carbon diets stopped);
- Such luxuries can resume when technologies are deployed to render them carbon neutral;
- A range of renewable technologies exist to provide our essential needs (these should have been deployed as fast as humanly possible); and
- Politicians will display personal sacrifice, demonstrating how to lead a lifestyle that is not dependent on killing others.

Energy policy is a complex area, but the core principles ought to be understood by everyone – a policy that contributes to mass loss of life can never be justified. A withdrawal from the 'battlefield' of climate breakdown must proceed "as fast as humanly possible".

9. The role of ... Named and their positions.

XXXX and XXXX 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 carbon removal 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 (45). 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 (46).

XXXX was responsible for XXXX when he was XXXX 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, the four accused 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 XXXX, they was present at the One Planet conference organised by President Macron of France at which he warned there could be “billions of victims” (47).

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 four accused were key figures in maintaining carbon intensive lifestyles.

The four 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 four 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.

Three of the four accused vigorously supported the pursuit of fracking technology to extract more gas. XXXX (detail) fracking, but XXXX (decision). On 6 September 2022 the government’s official advisors, the Committee on Climate Change appealed to XXXX to adopt different policies around energy efficiency and the deployment of renewable technologies that would both lower energy prices and reduce greenhouse gas emissions (48) but XXXX has rejected that advice.

The government has also announced plans to encourage far greater extraction of oil and gas from the North Sea with speculation that up to 130 new licenses could be granted.

The four accused could have ordered a rapid onshore wind farm construction programme but they vigorously opposed onshore wind power in England. XXXX has spoken out against solar farms and the support for offshore wind power has not been as fast as is necessary to decarbonise the electricity grid.

Astonishingly, the four 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 four 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 XXXX made policy commitments to growing emissions from the aviation sector and plan an increase of gas from abroad for UK consumption.

10. Examples of government's genocidal policies

In addition to the policy direction outlined in 8 above, here is a list of policies which the four named individuals have actively supported. It is not exhaustive, but proves that the four 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." (50). 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 (51). 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% (52). 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 (53).
- In 2019 the government perversely imposed a climate change tax on renewable electricity. It imposed rateable valuation tax on organisations having solar panels (54) and raised VAT on solar panels from 5% to 17.5% (55). It wasn't until 2022 that the VAT on several low carbon technologies and products was reduced to zero.
- The government has banned English on-shore wind & solar from receiving any government subsidies or contracts for difference supply agreements with national grid (56).
- The government plans to invest £25 billion in new roads (57) but a mere £120 million annually in new protected sections of a national cycleway network (58).
- 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 (59).
- The UK government has provided £13.6 billion in subsidies to the UK oil and gas industry. From 2016 to 2020 companies received £9.9 billion in tax relief for new exploration and production, including £15 million of direct grants for exploration, and £3.7 billion in payments towards decommissioning costs (60).
- The government increased planning restrictions on onshore wind-turbines (61).
- 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 (62). In 2020 the Boris Johnson administration indicated a willingness to ban new aid for fossil fuel investments abroad but this hasn't happened (63).
- The government cuts to home energy efficiency projects resulted in a 98% reduction in new installations between 2010 and 2018 (64).

- In July 2015 the government scrapped the planned tighter energy efficiency standards that were due to come into force in 2016 (65). 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.
- Throughout 2021 and 2022 a range of bodies from the Committee on Climate Change, to Greenpeace, to the CBI and many others repeatedly called upon to implement a national mass home insulation programme to reduce greenhouse gas emissions but this was repeatedly refused (66).
- The government has given the go-ahead for a huge expansion of aviation at the main strategic hubs and 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 (67).
- Following the invasion of Ukraine and the energy crisis, the International Energy Agency (IEA) made a series of recommendations to reduce energy use and thereby reduce the cost of gas and oil. The IEA made 10 recommendations to reduce oil use all of which were rejected by the government (68). The government also rejected most of the IEA recommendations on reducing demand for gas (69).

11. The crimes are clear: Crimes against humanity and genocide

The crimes outlined are directed overwhelmingly at the poorest, most vulnerable nations in the world. They are also directed at 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 four people with the criminal offences.

12. Defence

It seems likely that those representing the four XXXX 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" (70), an outcome that will cause billions of deaths.

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 (71).

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 (72).

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% (73).

13. Conclusion

XXXX The four 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 four are aware of the implications of these policies upon the young and the most vulnerable nations.

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

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

The Covid catastrophe and war in Ukraine have provided government with opportunities to restructure society in ways that would help tackle these crises and dramatically reduce greenhouse gas emissions, but government is responding by continuing with policies to increase car travel, increase aviation, increase oil and gas extraction and it refuses to support a proper mass home insulation programme and the range of policies offered by the IEA to reduce demand for oil and gas.

These are the policies that are contributing to the killing of hundreds of thousands of people every year. These are the policies that will cause more extreme weather events outlined above, resulting in the death of millions every year over the coming decades. And these policies run the risk of abrupt and dramatic climate breakdown if the various climate feedbacks and crucial tipping points are exceeded. To deliberately run a risk of the killing of billions of people is the ultimate crime against humanity.

If it happens every politician, business figure and public servant that has had a hand in this will face trial and retribution. At the MockCop26 conference of young people held last year, young people didn't merely seek legislation to prosecute climate criminals, item 2.4 of their Treaty (74) called for "penalties appropriate to its severity and consequences for humanity". Quite what "appropriate penalties" are for those who kill billions of people are difficult to imagine.

The evidence is clear that a breach has occurred of Article 30. 2(b) of the Rome Statute of the International Criminal Court and a criminal investigation must now be commenced.

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Annex 1

Rome Statute of the International Criminal Court

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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; 16 Rome Statute of the International Criminal Court

(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