



## Climate Genocide Act Now

ADDRESS and email address REDACTED

15 December 2022

Judge Alexander Milne  
Southwark Crown Court  
1 English Grounds,  
Southwark,  
London SE1 2HU

Dear Judge Milne,

### **Recent prosecutions of climate change protesters: Crucial evidence that has been withheld from the judiciary**

I have been informed that you recently heard a case involving climate change protesters. Where I'm informed of the name of a Judge or Magistrate who is hearing or has heard such a case, I write in an attempt to bring crucial information to their attention that has been withheld by the Crown Prosecution Service (CPS).

### **Prosecutions are only occurring because the police have perverted the course of justice**

This group attempts to use existing legislation to prosecute key political and business figures who are contributing to mass loss of life caused by the policies that drive climate change. We attempt to use Article 30.2(b) of the Rome Statute of the International Criminal Court; a section of the legislation that deals with crimes of 'oblique intent'. The UK has the power to investigate such crimes by virtue of the International Criminal Court Act 2001 (ICCA 2001).

Two attempts have been made to get the police to mount a criminal investigation but they have refused. The specialist division responsible for such matters is SO15, War Crimes Team, within The Metropolitan Police. On the first attempt, in 2019, the police refused to explain why they felt the legislation couldn't be used to prosecute those who cause mass loss of life by the policies that drive climate change. They implied there was a deficiency in the legislation. Despite being repeatedly pressed, and the matter being referred to senior staff, the Met refused to provide an explanation.

Around the same time, Extinction Rebellion was beginning to mount a series of disruptive protests in the attempt to stop government from killing people. The then Met Commissioner, Cressida Dick, lobbied government for tougher legislation to tackle the disruptive protests, but did not lobby for new legislation to plug any perceived gap in English Law (ICCA 2001) that prevented it from investigating cases where political leaders contribute to mass killing by the policies that drive climate change.

The Met had implied there was a legislative impediment to prosecution but didn't seek to plug that gap. The Met only sought tough legislation to stop those protesting about the killings. This was the very essence of corrupt policing.

Crucially, had the police agreed to mount a criminal investigation in 2019, government ministers would have stopped the policies that contribute to mass loss of life, and the climate protesters would have all gone home. But, because the police wouldn't use existing legislation to stop the killings, government ministers carried on; and climate protesters felt a moral imperative to try to stop mass killing. None of the protesters would have taken the dynamic steps they did if the police had done their job and acted to stop the killings. None of the protesters would have been arrested, charged, prosecuted and referred for trial if the police had been willing to act upon existing legislation.

The climate protest cases appearing before you and other members of the judiciary are happening because the police perverted the course of justice.

### **The CPS is withholding this information from the judiciary**

When it became apparent that the police would not use existing legislation to stop UK government ministers from contributing to mass loss of life, and that the CPS was nevertheless willing to continue prosecuting climate protesters, I asked the CPS to inform all judges and magistrates of the unique circumstances of this matter. The CPS refused.

I believe that all judges and magistrates should be informed that: -

- Climate protesters would not have undertaken the step they did if the police had intervened and stopped the UK government ministers from contributing to the killings;
- Climate protesters are only in court because the police had been willing to pervert the course of justice; and
- The CPS has continued to attempt prosecution, despite knowing of the evidence the police had perverted the course of justice.

### **Unique legal obstacles facing radical climate change protesters**

The radical climate movement doesn't have a conventional structure, with many people participating in particularly dynamic protest actions for a very short period before seeking more conventional means of protest. It is therefore impossible for this small campaign group (Climate Genocide Act Now) to reach out to people before trial and provide information that would help them with their defence.

Given that the CPS has refused to bring this information to the attention of judges and magistrates I believe climate protest decisions will eventually be quashed. In the meantime, I do what I can to get this information into the hands of the judiciary at the earliest opportunity.

### **Further attempts to stop the killings undertaken by this group**

A few months ago Sir Mark Rowley was appointed new Met Commissioner. After some serious cases of corruption at senior levels, he promised new leadership, to police without fear or favour and to tackle police corruption. So The Met was asked again to look at the evidence provided by this group. An updated dossier of evidence was submitted to The Met in September 2022 with a request for a criminal investigation. There has been an initial exchange of correspondence, but I fear the Met will again refuse to mount a criminal investigation. I also fear it will refuse to explain why Article 30.2(b) of the Rome Statue does not apply.

If you would like to see the dossier of evidence, I am very happy to provide it. It provides the hard scientific facts relating to the number of deaths caused by extreme weather events that are linked to climate change. Examples are the 3,271 people killed in the UK summer heatwaves, the appalling suffering of 136 million people in the Horn of Africa and the deaths associated with the unprecedented flooding in Pakistan. The dossier also sets out the range of government policies that either increase greenhouse gas emissions or maintain greenhouse gas emissions at unnecessarily high levels. The link between government policies and death and suffering is crystal clear.

## **The constitutional role of an independent judiciary in advanced democracies**

The judiciary has a crucial role to play to serve the rule of law and preserve life. The UK is a signatory to the Rome Statute of the International Criminal Court and Parliament enacted ICCA 2001 for a reason, and that was to prosecute atrocities and also deter atrocities. Parliament may not have expected ICCA 2001 to be used in a UK context, but the legislation was passed for a reason; and it is not for the Metropolitan Police to ignore it when it is politically expedient.

In the UK, government ministers have set the country on a path to an unprecedented catastrophe. The government's website (.gov.uk) carries a warning from the Head of the Environment Agency to "adapt or die"; in its 2021 risks report, the government's official climate change advisers, the Committee on Climate Change (CCC), warns of a dramatic reduction in rainfall when the AMOC ocean current stops. On page 51 of the risks report the CCC warns of a dramatic reduction in arable farming output when that current stops. Then, last week, the Head of the National Audit Office gave a speech warning that Southern England will run out of water in the 2040s. The most senior public servants are warning the young that our nation is set on a path to severely damage their food supplies and possibly kill them.

The law doesn't allow one section of the nation to kill or crush another section of society, even if a large proportion of the population votes for the MPs who support the policies that cause that outcome. The law is clear – the deliberate killing of a section of the population is still illegal.

In an advanced society there are constitutional checks and balances; where the judiciary will stop the executive and/or legislature if it sets out to kill or grievously injure another section of society. But that is not happening in the UK. The judiciary is failing in its most basic function – to uphold the law.

ICCA 2001 was enacted by Parliament to stop mass killing, but the police have refused to act upon the legislation for purely political reasons. It is absolutely essential that you take personal responsibility for solving this before undertaking any further work associated with climate protest cases. Your duty to uphold the law requires that you do everything you can to impose a moratorium on hearing all climate protest cases (that do not involve violence against the person) until the police have undertaken a thorough criminal investigation and submitted a case to the CPS for prosecution.

## **The role of the judiciary in facilitating genocide and crimes against humanity**

On 12 December 2022 a former government lawyer renounced his status as a barrister because he would not be complicit in climate genocide. I attach the press release issued by him, which includes a statement made by Rabbi Jeffrey Newman on the question of being complicit in genocide. You will see that this is extremely critical of the entire criminal justice system, making points that will be painful to read.

I ask that you consider what is said and your personal role to ensure that grave injustices such as the perversion of the course of justice are exposed. I ask that you ensure that climate protesters are never again put in a position where they need to take desperate measures to stop mass killing because the police won't do their job and intervene to stop the killers.

Yours sincerely,

Jon Fuller

Climate Genocide Act Now