



Climate Genocide Act Now

Address and email address DEDACTED

19 February 2023

District Judge Graham Wilkinson  
Wolverhampton Magistrates Court  
The Law Courts,  
North Street,  
Wolverhampton WV1 1RA

Dear Judge Wilkinson,

### **Climate protest cases: A serious/ongoing miscarriage of justice**

Whenever I hear of a trial of a climate protest case, I write to the judge or magistrate in an attempt to alert them to a serious miscarriage of justice. What is particularly egregious is that the courts are allowing this injustice to continue.

#### **1. The JSO case you heard last week**

I will firstly confirm that I have read the JSO account of your comments during the hearing last week and the note issued by the Judicial Office that sought to clarify your position. I note that you commend the protesters, noting that “no one can therefore criticise your motivations”, and “in simple terms you are good people with admirable aims”. You also said you were moved personally by the statements of each defendant.

However, the issue I need to tackle goes to the very heart of your role as a judge and everything you say about your personal beliefs. Like very many in your profession you said last week: “As a judge my overriding duty is always to uphold the law without fear or favour” and “trust in the rule of law is an essential ingredient of society and it will erode swiftly if judges make politically or morally motivated decisions that do not accord with established legal principles”.

It is your belief in the rule of law that I must now address.

#### **2. Had the police acted ‘without fear or favour’ in 2019 none of the protest actions would have happened**

In November 2019, on the anniversary of the Nuremberg Trials, this group submitted a detailed dossier of evidence to the police seeking a criminal investigation into the activities of senior politicians who are causing mass loss of life associated with the policies that drive climate breakdown. The International Criminal Court Act 2001 and Article 30.2(b) of the Rome Statute of the International Criminal Court give the police the power to investigate and charge those who kill.

The police refused to investigate and refused to explain why Article 30.2(b) did not apply in relation to killings driven by the policies that cause climate breakdown. Article 30.2(b) relates to cases of ‘oblique intent’, which is the case with killings associated with climate breakdown.

Had the police acted in accordance with the law, none of the climate protests from January 2020 onwards would have taken place. The police would have informed government ministers that a criminal investigation had begun.

Government ministers would realise they would go to prison for a very lengthy period if they continued, so they would immediately stop all policies that seek to increase greenhouse gas emissions and undertaken emergency steps to rapidly decarbonise the economy.

If government had done that, none of the climate protests would have happened and no one would have ended up in court.

It is entirely the fault of the police that climate protests have taken place.

### **3. Proof that we have a corrupt criminal justice system**

The Board of the CPS and Max Hill KC have been informed of all this, but continue to prosecute climate protest cases. I have asked them to ensure all judges and magistrates are informed of these facts. but it is my understanding that the CPS is determined to withhold this information from the judiciary. Groups like Extinction Rebellion, Just Stop Oil, Insulate Britain and others don't have conventional structures, so it has been impossible for me to alert all defendants to the facts of this matter.

As things stand, we are in the position where the police protect those who kill by causing climate breakdown, but prosecute those trying peacefully to stop the killers.

Those who have been found guilty in climate protest cases have been denied their Article 6 ECHR right to a fair trial and their Article 13 right to an effective remedy.

### **4. New evidence to emerge of corruption**

Throughout 2020 the police (SO15 War Crimes Team, within The Met) were repeatedly pressed but refused to explain their thinking. In 2022 there were a number of scandals associated with corruption and misconduct within the Met so, when Sir Mark Rowley was appointed Met Commissioner in September 2022, it was felt this group should approach The Met again. Sir Mark Rowley had promised a break with the past, categorically assuring the public he would police "without fear or favour" and that no one was above the law. So an updated dossier of evidence was submitted to The Met.

SO15 initially refused to open a criminal investigation and again refused to explain their thinking. This time, however, there were new circumstances that allowed me to exert greater pressure on SO15.

As said above, I have been writing to every judge and magistrate that hears a climate related protest case informing them that protesters are only in court because the police perverted the course of justice. I won't have heard the names of all judges, but I am making an attempt to alert the judiciary to this serious and ongoing miscarriage of justice. In December I pressed SO15 again, informing them of important new evidence (see below). At that point The Met said it needed time to respond to me and noted that other bodies were now involved in this matter. It occurred to me that judges and magistrates may have written to SO15/The Met Commissioner demanding to know what is going on. But that is speculation on my part.

The new evidence that had emerged was that another group had attempted something similar to what this group had done. The UK Youth Climate Coalition (UKYCC) had submitted a dossier to the International Criminal Court (ICC) calling for an investigation into the activities of the board members of British Petroleum PLC. There was a conference in The Hague at which UKYCC held a fringe meeting to announce the launch of their case. The Chief Prosecutor of the ICC, Karim AA Khan KC, was present at the main conference. I have been informed that a discussion took place between Mr Khan and a UKYCC representative. I am informed that Mr Khan saw no obstacles to investigating a case in connection with mass loss of life caused by the activities that drive climate breakdown.

If this is true, there are absolutely no grounds for SO15 to block a criminal investigation.

Having said that, there were never grounds to block a criminal investigation – Article 30.2 (b) clearly allows for prosecutions for oblique intent - a case of this nature.

## **5. Serious police misconduct is continuing**

In January 2023 The Met and a number of constabularies issued a public appeal for people to come forward who had been delayed by Just Stop Oil protests on the M25. The police called for impact statements to help the prosecution of climate protesters. However, in the material this group had submitted to The Met was evidence that showed 3,271 people were killed unlawfully in the 2022 summer heatwaves. I made it clear that those primarily responsible for the killings intend to kill even more people in the future.

I informed the police how they could go about establishing who the individuals are who have been unlawfully killed. Despite that no such effort has yet been made.

We are again in the position where the police are determined to gather evidence to prosecute climate protesters who are trying to stop the killers, but the police are not yet making an effort to investigate the killings and stop the killers. What is so unfair is that the police know thousands of people are going to be killed again, but so far they refuse to intervene.

## **6. Does this corruption extend to other parts of the criminal justice system?**

You will be aware of the publicity surrounding the imprisonment for 8 weeks of a climate protester (David Nixon) for contempt of court for trying to explain to a jury why he took the action he did. A number of media articles express concern that talking about climate change had been prohibited, with thousands of comments appearing on social media expressing outrage at the courts. See: -

<https://www.theguardian.com/environment/2023/feb/07/insulate-britain-activist-david-nixon-jailed-for-eight-weeks-for-contempt-of-court>

<https://www.opendemocracy.net/en/insulate-britain-activist-show-trials-prison-climate-protests/>

While it may be argued that people do not understand the reasons why defendants in that case were denied the ability to talk about climate change, the fact is that it reflects badly upon the judiciary when people, who have been told they may be killed, are not allowed to explain that fact in court.

Here is an example of that dire warning on the government's website: -

<https://www.gov.uk/government/news/adapt-or-die-says-environment-agency>

I have informed very many magistrates and judges of the proof that the police perverted the course of justice by refusing to use UK legislation to intervene and stop the killers. I have informed every member of the CPS Board, including Max Hill KC, the Director of Public Prosecutions. I called upon the CPS to impose a moratorium on climate protest cases, that do not involve violence against the person, until The Met does its job and initiates a criminal investigation into crimes against humanity and genocide committed by government ministers. The CPS refused. The CPS also refused to alert judges and magistrates to the clear evidence that climate protests were only taking place because the police had perverted the course of justice.

I therefore put it to you that the CPS has disregarded Article 6 of ECHR and the right to a fair trial and Article 13, the right to a remedy. Both the CPS and the judiciary know the police perverted the course of justice, they know there is no prospect of a fair trial in climate protest cases but continue to put these cases to the courts.

A few months ago a former government barrister, Tim Crosland, renounced his role as barrister, arguing that the criminal justice system had become complicit in crimes against humanity associated with the policies that cause climate breakdown. I attach the news release issued. It makes for very difficult reading.

If judges know that government ministers and key business figures can only continue killing while the criminal justice system seeks to crush climate protesters, the judiciary has become facilitators of genocide and crimes against humanity. The news release warns the judiciary of the risk of prosecution for the most serious of crimes in UK and international law.

In light of all this I put it to you that it is essential you now intervene in a dynamic way.

## **7. Request for action**

I ask that you: -

- Ask the CPS why it withheld information from the courts about the police refusal to investigate and stop the killers;
- Write to The Met Commissioner calling for a thorough explanation relating to this matter;
- In the unlikely event there is a lawful impediment to using ICCA 2001 and the Rome Statute to stop the killings, you must call publicly for the creation of a conference of senior judges, the CPS and the police to establish a legal remedy (Article 13) that will allow the young to stop government ministers and key business figures from killing them;
- Until that remedy is in place, or the police begin a criminal investigation, a moratorium must be imposed on hearing all climate protest related cases that do not involve violence against the person; and
- The young David Nixon and other climate protesters do not deserve to be in prison. The young will come to see them as political prisoners, which will further erode confidence in the criminal justice system.

Although none of the judges or magistrates I have written to have replied to me, the message I received from SO15/The Met in December strongly suggests the judiciary are asking questions about this case. The Met has confirmed it needs longer before it can reply to me because other bodies are now involved.

If judges are not asking probing questions and demanding answers, this would suggest that the judiciary isn't bothered when evidence comes to light that the police and CPS are continuing to secure convictions by perverting the course of justice.

In light of the fact that another campaign group – the youth led UKYCC - has sought to prosecute the Board members of British Petroleum at the ICC, it is now abundantly clear that trials are coming. Soon the police, CPS Board and the judiciary will have to explain their actions in a court of law. That being the case, it is absolutely essential that the judiciary immediately discusses this and sets out publicly a way to stop government from killing or grievously injuring the young.

## **8. The constitution and judiciary**

I have heard some judges say to climate protesters that if they don't like the behaviour of government then they must not break the law, they must stand for election and/or lobby government to change its policies.

That does not stand up to critical examination. Government ministers are breaking the law by pursuing policies that cause mass loss of life. Additionally, even if the majority of people vote for a political party that preserves carbon intensive luxuries, resulting in the death or severe injury to the young, that still isn't lawful. When one group in society sets out to kill another group, the police and judiciary are required by international criminal law to intervene.

It may be that judges think they understand the complexities of climate science and the various risks, but I suggest many do not. The key point many judges are missing is that we don't have the luxury of time. As every day passes the 'climate feedbacks' get more powerful (albedo in the Arctic Ocean accelerating heating, thawing permafrost releasing methane, forest fires releasing more CO<sub>2</sub>, etc.). Scientists don't know where the tipping point of no return is; but we are getting closer to the point where, even if humanity hits 'Net-Zero', the planet will be releasing so much heating gas that we will have lost the ability to stop runaway heating.

That is why it is wrong to tell climate protesters to use traditional campaigning methods to stop the killings. There is no time to do that. Either climate protesters cause so much disruption that government is forced to stop killing, or the criminal justice system does what it is supposed to do and intervene when government has decided it will kill or crush a minority section of society – the young.

### **Additional Notes**

I sat in the public gallery in court recently and heard another judge assure a group of defendants that the judiciary understands everything about climate change, and that is why it was not necessary in that case for defendants to explain the science to a judge. That being the case, I take it I do not have to explain: -

- The evidence relating to the 3,271 unlawfully killed in England and Wales in 2022;
- Why the Environment Agency warned the young had to 'adapt or die';
- That the head of the National Audit Office warned that the South of England would run out of water in the 2040s;
- That the Committee on Climate Change (CCC) has repeatedly criticised government for failing to prepare for what is coming;
- The dire warnings given by the CCC on UK arable farming output;
- That UN reports on extreme weather events, record breaking flood and drought that show hundreds of thousands of people are now being killed every year by climate breakdown and millions are being displaced; and
- The scientific warnings from reputable bodies that warn of the grave risk a series of 'climate feedbacks' could overwhelm humanity's ability to stop global heating, thereby killing billions of people.

It follows that if judges and magistrates understand these facts, they know why it is essential that climate protesters do what they do.

If you require an electronic copy of this letter, the dossier of evidence submitted to the police, or any other evidence please do not hesitate to ask.

Yours sincerely,

J N Fuller  
Climate Genocide Act Now

CC:  
Max Hill KC  
Sir Mark Rowley