



Climate Genocide Act Now

ADDRESS and email Address REDACTED

3 April 2023

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Dear Mr Bramley,

Criminal Investigation into crimes against humanity and genocide

Ref: 188022/TDS

I refer to your letter of 27 March and need to summarise some points before showing where your thinking is flawed.

1. It has taken over 3 years and 3 months to obtain the Met's thinking on this case. During that time over 1,320,000 people have been killed (1). The vast majority of victims are black. You will therefore understand why so many people within the climate movement agree with the conclusions of the Baroness Casey review that found The Met to be institutionally racist.
2. The killings could have been greatly reduced by an early intervention by the criminal justice system. Instead, the killings are currently being facilitated by the criminal justice system. Hundreds of millions of lives, perhaps billions, depend upon putting this right.
3. This group has made a significant effort to inform judges and magistrates, who hear climate protest cases, of the terrible miscarriage of justice associated with this. Judges often tell climate protesters that the role of the judiciary is to uphold the law; saying: 'no one is above the law' and that the judiciary must act: 'without fear or favour'. But, upon hearing of this case, judges may fear their position has been undermined by The Met and all convictions may have to be quashed. Judges note the argument that, had The Met acted on this case in late 2019, none of the climate protests since early 2020 would have taken place. Disruptive climate protesters were only ending up in court because The Met refused to do its job. Despite huge reputational damage to The Met, your thinking is partisan and flawed. You argue points the killers are expected to make, not acknowledging the facts that support the case made on behalf of the victims.
4. On 23 March the Detective Sergeant at SO15, who is handling this, emailed me saying you would be writing to me in detail and added: "Following this review and advice, a decision has been made that no further action will be taken and we be closing the matter." Time and again The Met seeks to bat away the most serious case it has ever been asked to consider. It is obvious that this group would respond, The Met knows there are other related cases at the

International Criminal Court (ICC) and yet The Met is determined to make it clear it does not intend to consider the facts relating to this matter.

5. Judges know The Met has been accused of perverting the course of justice. It is therefore essential that you instruct SO15 to keep this matter open until all issues have been impartially analysed and answered.

6. Everyone in positions of authority should know that mainstream science shows that climate breakdown is now causing mass loss of life and reports by the IPCC, and other reputable bodies, make it clear that unprecedented upheaval is beginning to unfold. It should be crystal clear to all there are legal implications for the entire criminal justice system if it continues to protect the killers, while prosecuting those trying to stop the killers. In an attempt to protect junior Met staff, the Police Federation has been informed of this matter, as have the FDA and PCS (trade unions that represent staff who have particular responsibilities relating to this). Staff need to be informed how to proceed when the greatest act of mass killing is commenced. It is entirely foreseeable there will be a day of reckoning and staff need to understand they will be called to account for their actions in a court of law.

7. In the unlikely event this group has placed an incorrect interpretation on the legislation, that needs to be established with precision. If that is the case, no blame can be placed upon Met staff. However, if The Met has the ability to intervene, but refuses to do so, and anything vaguely approaching the 4 billion deaths scenario comes about (2), then Met staff will be prosecuted.

Responsibility to protect

In 2001 the UK government enacted the International Criminal Court Act 2001 (ICCA 2001), bringing the prosecution of the crimes outlined in the Rome Statute of the ICC into UK jurisdiction.

In 2005 the UK adopted the UN General Assembly resolution to take a number of actions to prevent and punish genocide, war crimes, ethnic cleansing and crimes against humanity. This is known as the 'Responsibility to Protect'. This group believes it has proven to The Met that the UK is participating in crimes against humanity and genocide. The killings have begun and the numbers being killed will grow exponentially.

The UN says: "the responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means." The Met has a clear responsibility to act to prevent UK individuals from participating in these crimes.

Instead of doing that, since 2019, The Met frustrated this group at every turn, refusing to explain its thinking. We asked to meet to discuss any misconceptions or gaps in understanding, but The Met refused to engage with us. We asked The Met to obtain professional legal advice, suggesting the CPS, but we believe this was ignored until late 2022 when we began to press the judiciary about this case.

Large numbers of people within the climate movement became aware of the action taken by this group, so there is now a significant body of opinion that believes the Met is protecting the politicians most responsible for mass death and suffering.

The role of the CPS and judiciary

In addition to attempting to inform judges and magistrates who hear climate protest cases, of the circumstances surrounding this matter, this group has regularly appealed to the CPS to make an intervention. The CPS refused our request to approach The Met to provide legal advice.

The CPS was also asked to inform judges of our request that the judiciary be informed that climate protesters would not have taken the action they did if The Met had intervened in 2019 to stop the killers. But that too was refused.

Then, last week, there was a new development. Doubtless you are aware that nearly 150 members of the legal profession joined the 'Lawyers Are Responsible' initiative, refusing to assist with the prosecution of climate activists and refusing to represent fossil fuel industries in work associated with expansion. Closely aligned with this is work by campaigning lawyers 'Plan B Earth' that argues the courts have become complicit in crimes against humanity and genocide.

By refusing to use ICCA 2001 to prosecute, and thereby stop UK ministers from contributing to the killings, The Met put judges and magistrates in an appalling position. If the judiciary continue to hear climate protest cases, they know they will stand accused of enabling the UK government to continue to kill. Judges will also be considering whether they will be complicit in The Met having perverted the course of justice.

A copy of your letter and this reply will be sent to key CPS staff, to those judges who we have already approached and other rep bodies. It is important they know how this matter is proceeding.

International Criminal Law

You open your letter with an outline of the legislation but place upon it an interpretation that would be used by the defence. Of course, the accused will argue several lines of defence, but the public have every right to expect the Directorate of Legal Services to examine the issues impartially and in accordance with the legislation.

On page 2 you make a series of errors in this paragraph. This is referred to as the 'core paragraph' because it displays crucial flaws in your thinking. See: -

"It would be almost impossible to prove to the requisite criminal standard that a particular UK government policy or set of policies more than minimally contributed to any particular deaths. Merely identifying patterns of excess deaths or environmental disasters around the globe or predictions about what will likely happen in the future and then pointing to policies which are otherwise lawful, but may adversely impact climate change, does not prove the chain of causation to the requisite standard and does not prove that those UK policies or set of policies more than minimally contributed to the deaths of particular individuals or prove that such deaths are virtually certain. Such a process would be an almost impossible task which the Metropolitan Police is not resourced to undertake."

Please note these facts in response: -

- The UK has 0.85% of the global population but is responsible for 4.52% of global historical emissions (3).
- The November 2019 and September 2022 dossiers submitted to The Met provide references on the number of people being killed by climate breakdown. Data is provided by the World Health Organisation, Global Humanitarian Forum and DARA International (in its report to the UN on behalf of the most climate vulnerable nations). The data suggests 400,000 people are being killed every year; primarily infants killed by the increased spread of disease in our 1.1°C hotter world (4).
- Global deaths from May 2010 to date, indicate that over 5,100,000 have been killed by climate breakdown.
- 4.52% of 5,100,000 is 230,520 (if this incomplete method is used for calculating UK responsibilities – UK policies have killed over 230,000 people since May 2010).
- Extreme weather events are killing more people, destroying property, crops and driving people from their land. There are hundreds of examples to point to, but two are provided here as an illustration: -

Pakistan floods of August 2022

Peer reviewed research indicates the floods were made 50% worse by climate breakdown. 33 million people were impacted, 1,700,000 homes were destroyed, a vast area of land remained submerged 6 months later, 1,500 people were killed directly by the floods, with many thousands more killed later by disease (5).

4.52% of 33 million people is 1,491,600 impacted (if this incomplete method is used for calculating UK responsibilities – UK policies have harmed nearly 1.5 million people).

Hunger and Famine in Africa: drought and water scarcity

The UN, UNEP and many other organisations report that climate change is a key factor in the famine now descending upon the Horn of Africa. The 6th successive failed rain season is directly attributed to climate breakdown. In March the UN said 48 million people were suffering extreme food insecurity and 129,000 were at immediate risk of death by starvation (6).

The World Meteorological Organisation 'State of the Climate' report reveals that high water stress is estimated to affect about 250 million people on the continent (7).

War and conflict exacerbate the effects of climate breakdown, but climate breakdown is a factor in the suffering experienced.

4.52% of 250 million is 11,300,000 people (this incomplete method of calculating UK responsibilities means UK policies have harmed over 11 million people).

From these facts it is clear that UK policies have contributed to killing hundreds of thousands of people and have contributed to the increased suffering of millions. Your assertion that policies “minimally contributed” to suffering and death is wholly inaccurate.

Additionally it must be noted that all leaders of polluting nations share responsibility for the death and suffering that occurs needlessly. If 400,000 people were killed in 2020 and 700 million people are displaced in Africa by 2030, they all share responsibility for that.

Your assertion that each individual policy must be weighed on its own doesn't stand up to scrutiny. Previous trials for crimes against humanity and genocide show that it is often a range of policies that amount to the systematic attack.

The accused ministers are more aware than most of the suffering and death caused by UK emissions. Instead of refusing to participate, they vigorously supported the expansion of emissions in some sectors and slowed the pace of decarbonising/lowering emissions from other sectors. They knew with absolute certainty such policies would add to suffering and death. We know that because of the conferences on climate change they have attended, the desperate pleas they have heard from victim nations, and because of the speeches they have made.

The accused ministers will know that the UK is just one of many nations that are expanding some polluting activities and maintaining emissions in some sectors at high levels. It is inevitable that ministers will argue that the UK is now only responsible for 1% of global emissions; ignoring embedded emissions in UK imports, aviation emissions, shipping emissions and the 5% of global new fossil fuel investments facilitated by UK financial institutions. But that doesn't spare ministers from the law relating to 'joint enterprise' or 'common purpose'.

The accused know they aren't the only politicians in the UK, or globally, who are killing by driving climate breakdown; but they are pivotal figures, who know they make a contribution to unprecedented death and suffering. They will almost certainly claim their personal contribution to death and suffering, caused by the policies they allow, is negligible; but that doesn't alter the fact they are the most important figures in the UK and know with absolute certainty that the policies they support contribute to mass death and suffering.

A police investigation should consider the aggravating factor that, in their personal lives, they live high carbon lifestyles which, if emulated by all, would lead to the worse-case scenario where most people on the planet would be killed.

The 'core paragraph' (third page) also says: "what will likely happen in the future".

You will see from the references provided in this letter, and the dossiers of evidence, that 700 million people may be displaced within Africa by 2030. You will have seen that if we reach 4°C of global heating by 2100, 4 billion people may be killed. You will have seen the warning from the 'Chatham House' think-tank of a plausible worst-case scenario of 7°C of global heating by 2100. The 7°C scenario is based upon certain scientific criteria relating to the climate feedbacks and carbon sinks, and also policy decisions around carbon emissions; for example, continuing to expand some sectors and opening new coal mines, new oil and gas wells. Currently, the conditions necessary for the 7°C plausible worst-case scenario are being implemented by the UK government.

The prevention of the utter horror of these worst-case scenarios, which entail far greater killing than the combined genocides in history, now depends upon the criminal justice system.

It is crystal clear that the principles established at Nuremberg and enshrined in the Rome Statute of the ICC relate to the policies that cause mass death by driving climate breakdown. By initiating and supporting policies that could kill 7 billion people, or could kill 4 billion people or will displace 700 million Africans within a decade, are extreme crimes against humanity.

Everyone involved in the policies behind the Holocaust should have known that was an act of extreme depravity, genocide and a crime against humanity. Everyone who supports the policies that could kill billions, ought to know that is also an extreme act of depravity and a crime against humanity. There are no excuses for politicians who pretend they do not understand that.

At the end of your paragraph you say: "... which The Met is not resourced to undertake". That statement must be condemned in the strongest terms. Quite apart from the assumptions behind it being factually incorrect, the lives of billions of people are at stake. The Met has been given the opportunity to stop the worst-case scenario, simply by announcing the commencement of a criminal investigation.

It is surely likely that, if the most senior UK ministers know they will go on trial and may be committed to prison, the UK and other ICC signatory states will feel compelled to abandon the policies that cause mass death.

Senior Met staff have been shown that there is no lawful reason for failing to intervene to stop the greatest act of murder in history.

Crimes Against Humanity

CGAN sought a criminal investigation into genocide and also crimes against humanity. The definitions are different.

Turning firstly to crimes against humanity, the contextual element determines that crimes against humanity involve either large-scale violence in relation to the number of victims or its extension over a widespread area, or a methodical type of violence (systematic).

In addition, Article 7(2)(a) of the Rome Statute determines that crimes against humanity must be committed in furtherance of a state or organisational policy to commit an attack. The plan or policy does not need to be explicitly stipulated or formally adopted and can, therefore, be inferred from the totality of the circumstances.

In contrast with genocide, crimes against humanity do not need to target a specific group. Instead, the victim of the attack can be any civilian population, regardless of its affiliation or identity. Another important distinction is that in the case of crimes against humanity, it is not necessary to prove that there is an overall specific intent. It suffices for there to be a simple intent to commit any of the acts listed, with the exception of the act of persecution, which requires additional discriminatory intent. The perpetrator must also act with knowledge of the attack against the civilian population and that his/her action is part of that attack.

A physical element to the charge of crimes against humanity includes A. Murder, B. Extermination, C. Enslavement, D. Deportation or forcible transfer of population; E. Imprisonment; F. Torture; G. Grave forms of sexual violence; H. Persecution; I. Enforced disappearance of persons; J. The crime of apartheid; and K. Other inhumane acts.

This group has shown that A, B, D, H and K apply. G may apply.

A. Mass murder is taking place. The accused know their actions will contribute to mass death and so are accused of murder. The accused cannot achieve their personal, business and economic aims without mass killing. Mass killing is a wholly inevitable consequence. In the last 6 months thousands of killings have been witnessed in the Sahel and Horn of Africa caused by extreme drought. Thousands of killings have been witnessed in South East Africa and Pakistan by record breaking rainfall. And, in all climate vulnerable nations, thousands of people, mainly the very young, have been killed by the increased spread of disease.

B. Several low-lying island states will be exterminated. The process of annihilation has begun. The accused have seen that people have already been forced to move and know that entire populations will be forced to either leave their homeland or die.

D. The populations of low-lying island states and people living in nations where agriculture is collapsing will be forced to move or they will die. This choice is not a choice of free-will, this clearly amounts to a 'forcible transfer'.

G. As women are forced to leave their land they are at far greater risk of sexual assault and rape. There have been accounts reported on UK news bulletins by women from Africa who got to Calais. A criminal investigation is required to establish if the scale of sexual violence amounts to a 'grave form of sexual violence'. The accused know of the sexual violence and yet they continue to pursue the range of policies that will result in more women being exposed to sexual violence.

H. The hundreds of millions of people living on the front line of climate breakdown are being persecuted. As every month and year passes, with ever more suffering and death being witnessed, those primarily responsible (the accused) continue with their policies. Despite hearing ever more dire scientific warnings and seeing more extremes of suffering, the accused continue to expand some polluting activities and refuse to decarbonise many others as fast as could be achieved. It is entirely understandable that the victims will feel persecuted. It is entirely understandable that many of the victims question whether the predominantly white UK would participate in this crime if it lost a third of its crops to an extreme weather event that was attributed to climate breakdown. The fact that the vast majority of victims are black and the main perpetrators are white, shows 'H: Persecution' applies. It must be a part of a criminal investigation.

K. Every crime against humanity is different, and so too is climate crime. The decision to participate in the greatest act of killing ever undertaken is the very definition of an 'inhumane act'. The killing of so many people and inflicting so many forms of suffering upon entire populations is manifestly a crime against humanity.

It is absolutely clear that the criteria for prosecution have been met - the conduct is being committed as part of a widespread and systematic attack and this is wholly directed against civilian populations.

To conclude, it is obvious that:

- Crimes against humanity are being committed;
- The scale of the suffering makes it the greatest crime in history;
- There is no lawful reason for refusing to investigate this crime; and
- The Met must immediately act to stop further killings by announcing it is commencing a criminal investigation.

Article 30.2(b) – oblique intent

You refer to the precedent established in relation to the application of Article 30 (Bemba (ICC-01/05-01/08)). You note that: 'the required standard of occurrence is close to certainty. In this regard, the Chamber defines this standard as "virtual certainty" or "practical certainty", namely that the consequence will follow, barring an unforeseen or unexpected intervention that prevent its occurrence.'

I am grateful that you have quoted this precedent because it proves our case.

For many years the primary victim nations have begged the main polluting countries not to annihilate them. At the Paris COP21 conference the low-lying islands states adopted the mantra 'One Point Five To Stay Alive', demanding the primary polluting nations reduce emissions to stay within the 1.5°C heating threshold. The science indicated that, if that threshold was exceeded, more of the islands would be annihilated by worsening storms and sea level rise. The UK tried to maintain a 2°C threshold target, but agreed to a compromise that entailed temperatures exceeding 1.5°C by around mid-century, with carbon removal technologies then being deployed throughout the second half of the century to extract enough greenhouse gas to return temperatures to the 1.5°C ceiling.

It has been shown above that the UK has already used up far more of its fair share of a carbon budget that is manifestly unfair to the developing world. Despite that, the accused remain determined to expand certain polluting industries and maintain others at unnecessarily high levels. The accused have regularly been accused by their official advisors, the Committee on Climate Change, that their policies are not sufficient to meet the 2050 target. If leaders of other nations behaved this way, global temperatures would likely exceed 4°C by 2100 and could reach 7°C. If other leaders behaved as the accused have done, several billion people would be killed.

There are allegations that many of the primary victim nations have been blackmailed at international conferences into accepting the COP21 deal that might result in their annihilation. They were told they may not receive 'loss and damage' compensation and/or help with relocation if they wouldn't compromise on a hard 1.5°C threshold target. The allegation that victim nations were blackmailed into not using international criminal law, to resolve this, needs to be investigated.

At all COP conferences and several other international conferences the primary victim nations have used words such as "this is a death sentence for my people".

The accused have all heard representatives of victim states beg not to be annihilated and/or suffer mass loss of life. The accused have all heard reports from scientists and scientific bodies warning that mass loss of life and the annihilation of the low lying island states has begun. The accused have all heard key speakers, like the UN Secretary General, warn that we face "a direct existential threat", "this is code red for humanity" and this in 2022 on a report from the Intergovernmental Panel On Climate Change (IPCC) (8): -

"The jury has reached a verdict. And it is damning. This report of the Intergovernmental Panel on Climate Change is a litany of broken climate promises. It is a file of shame, cataloguing the empty pledges that put us firmly on track towards an unliveable world.

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."

While they have held office, the accused have witnessed many record breaking extreme weather events that scientists have made clear are attributable to climate breakdown. The science of direct attribution has become ever more sophisticated, with scientists proving the link between climate change, particular extreme weather events and mass suffering and death. The examples above of flood in Pakistan and record breaking drought in Africa are known by the accused.

Despite scientists providing absolute certainty that climate breakdown is causing more extreme weather events, sea level rise and mass suffering, the accused continued with policies that would result in the expansion of several polluting activities as detailed in the dossiers. The accused also slowed the pace of decarbonising many other sectors that could have been decarbonised far more quickly.

The core science on climate breakdown has been proven to a standard that meets the "virtual certainty" or "practical certainty" thresholds. Staff within the Directorate of legal Services ought to know that.

There are however some uncertainties. For example, there are a number of different predictions made as to when the low-lying island states will be annihilated and just how many people will be forced from their land in Asia, Africa

and Central America. We do not yet know if there will be half a metre or 2 metres of sea level rise by 2100. We do not yet know if the planet will heat by 2°C, 3°C or 7°C by 2100.

But the accused do know, with absolute certainty, that extreme suffering and death is being caused and yet they continue to support the expansion of polluting activities and slow the decarbonisation of others. The accused know, with absolute certainty, that the suffering and deaths will increase, and that the number of low-lying island states to be annihilated is dependent upon the amount of greenhouse gas emitted and yet they continue with their policies. The accused know that scientists are warning that, with current policies, the most likely outcome is around 3°C of heating by 2100, rendering huge swathes of the planet uninhabitable, but they continue.

What is clear from the science is that unprecedented suffering has begun and deaths will increase. The science is absolutely certain that, while the exact level of future mass suffering and death cannot yet be determined, it will be worse than what is being witnessed today. What is also certain is that the future level of suffering is dependent upon the accused changing their direction. The accused know that with absolute certainty.

The precedent you identify asks if there might be “an unforeseen or unexpected intervention that prevent its occurrence.” In light of the fact the mass killing and suffering have already begun and are guaranteed to worsen, there is nothing to prevent the occurrence. However, if the criminal justice system was functional and did its job, The Met would intervene to stop the killers (by commencing a criminal investigation). If The Met acted, tens or hundreds of millions of people would still be killed, but billions of lives would very likely be saved.

Saving humanity depends upon the checks and balances expected in any functioning state but, at the current time, The Met remains determined to facilitate the crimes identified.

Genocide

Turning now to genocide, the evidence provided in the dossier and in this letter show that the accused have gone beyond ‘oblique intent’ and that this is a case of ‘direct intent’. The accused know, with certainty, that they cannot achieve their objectives without entire nations being annihilated. The accused know that it is an inevitable consequence that a number of low-lying island states will be destroyed if the accused are to achieve their aims.

The dossier notes that several low-lying island states are being inundated by a combination of worsening storms and sea level rise. A number of people have already been forced to leave The Marshall Islands, Tuvalu, Vanuatu and other low-lying islands. The process of annihilating the islands has already begun; it is being reported in the media; the accused know of this by listening to accounts at the various international conferences they attend and by the warnings they receive from scientists. There have been many desperate speeches made at conferences, with the victims begging polluting nations not to destroy them.

The government of The Maldives organised a cabinet meeting under water, with attendees using scuba diving equipment around a conference desk. This received huge publicity and was seen all around the world. In the UK all senior public figures would be well aware that The Maldives administration had made it absolutely clear that their nation would be annihilated unless dramatic action was taken to decarbonise. The government of The Maldives warns their nation could be destroyed by 2030, but many scientists will point to evidence suggesting it is more likely that a number of islands will be submerged between 2030 and 2050, with the main island being destroyed shortly after 2050.

When island states are removed from the map, the people must either move or die. That means the loss of their language, history, traditions and culture.

Not only can it be proven that the accused are aware of this, they have all spoken about the harms caused by climate change. It is wrong to say they believe the harm is merely ‘likely’, in fact they have ‘absolute certainty’ of the harm.

The accused cannot yet know how many islands will be destroyed, but they do know that the process of annihilation has begun and the number of people to be displaced, and the number of islands to be destroyed, is dependent upon the policies adopted by key decision takers such as themselves.

The accused know that the series of policies identified in the dossiers, which are deployed both in the UK and abroad, will speed the process of destroying several nations. The accused know with absolute certainty that all coastal nations will suffer damage, but the number of nations that survive is wholly dependent upon the amount of greenhouse gas emitted.

The accused also know that a certain degree of sea level rise is locked in by previous emissions. It is likely that, Vanuatu, Tuvalu, the Solomon Islands, The Marshall Islands, The Maldives and several others will be annihilated unless a vast amount of carbon dioxide and other greenhouse gases are removed from the atmosphere, and an effort is made to refreeze parts of the Arctic Ocean, Greenland and the ocean around Antarctica. The accused have to undo the immense damage they have already done – immediately commencing what is often referred to as ‘climate repair’.

Despite this certainty, the accused remain determined to expand some polluting activities and slow the pace of decarbonising others. The dossier provides the detail, but I will draw attention to some simple examples to prove the case: -

1. The accused showed a relentless determination to expand luxury, non-essential polluting activities like aviation, ocean cruises and opening new factories manufacturing gas guzzlers.
2. The accused could have adhered to home energy efficiency standards introduced under a previous Labour administration, but two of the accused abandoned those regulations, locking the UK into higher levels of consumption of gas than needed to have been the case.
3. The accused refuse to implement the scale of mass home insulation that was demanded to help decarbonise home heating at speed.

It is clear that the accused prioritised certain personal luxuries, business and economic benefits over the lives of those living on the frontline of climate breakdown.

The accused will argue that they didn't want to contribute to killing the victims, but the fact is they knew they could not achieve their objectives without annihilating several states and killing very many millions of people. It is emphasised again that appalling suffering was essential, if they were to achieve their aims.

CGAN offers the evidence that meets the criteria of genocide: -

- (1) The accused have deliberately deprived people of the resources indispensable for survival, such as food, drinking water and critical infrastructure. By doing so the accused are forcing people from their homes and the number to be expelled from low-lying island states will increase.
- (2) The perpetrators intended to cause that consequence. They knew with absolute certainty that their actions would lead to this outcome. They will argue they did not want this outcome, but the facts prove it was entirely foreseeable and an inevitable outcome.
- (3) The victims who live in low-lying island states all belong to particular national, ethnic, racial and religious groups. If British citizens all lived less than 2 metres above sea level, the accused would not pursue the policies they do. Instead the accused would apply a range of measures, including military force, to stop greenhouse gas emissions by other countries. It is clear that the accused are willing to inflict suffering on people of a different national, ethnic and racial background to the British people.
- (4) The perpetrators all know their actions would destroy, in whole or in part, those groups.
- (5) The conduct of the accused took place in the context of a manifest pattern of callous behaviour that was guaranteed to cause such destruction.

After an impartial criminal investigation and prosecution, based upon the law, the prosecution would argue in court that this is a case of direct intent. The accused knew that their actions would result in the annihilation of entire

nations and they knew they could not achieve their objectives without annihilation taking place. The accused have looked into the faces of their victims at international conferences, they have heard begging voices pleading not to be destroyed, but the accused continued.

This is genocide.

A note on the politics of this act of genocide

The law on genocide is absolute. There should be no compromise. However some wider points will now be made to answer questions that will inevitably be considered by people reading this case.

What about China?

Government ministers often attempt to defend participating in causing climate breakdown by saying “but what about China”. However, the UK industrialised 200 years before China and has a far greater responsibility to decarbonise. As has been shown above, the UK has 0.85% of the global population, but is responsible for 4.52% of global historical emissions (3) so the UK does not have a remaining carbon budget. Worse, the notion of carbon-budgets is a political construct that attempts to justify ongoing carbon emissions that cause mass death and suffering.

It should not be necessary to explain this core principle to The Met – if most people in a street start looting the corner shop, and another person then joins in, thinking the looting is inevitable, that person will still be prosecuted for burglary and theft. It follows that if other nations decide to continue to emit large amounts of greenhouse gas, that doesn't excuse the accused from continuing down the same path.

The UK is doing more than any other G7 country

It is certain that the accused will argue the UK was one of the first nations to adopt a 2050 Net-Zero target and is doing more to decarbonise than any other G7 country.

The reality is that some countries have adopted a target of 2035 and all countries could decarbonise much faster if they relinquished non-essential luxuries. There is the option to mandate that luxury, non-essential activities be offset by immediate and permanent carbon sequestration of all heating gases, but the accused have refused that. The accused are not willing to allow that 'debt' to be paid today and mandate that carbon removal technologies will be deployed throughout the second half of the century. Deploying after 2050 is far too late to stop mass death and suffering.

It must also be noted that the UK's emissions appear to have declined faster than other G7 countries, in part because a large proportion of manufacturing is now undertaken in other countries. In fact, UK 'embedded emissions' remain far higher than average.

Repeated warnings from the Committee on Climate Change must also be noted. The government advisors have made it clear that the UK has not adopted the policies needed to decarbonise by 2050.

Although such matters may be argued in the civil courts, the fact remains that international criminal law has been broken with many millions of people being deliberately killed.

Is there an alternative?

Turning to the alternatives to using fossil fuels, it must also be noted that the UK has plentiful carbon-neutral options for sustaining a healthy population. The ongoing use of fossil fuels is a political choice made over many years. It is a political choice to slow the transition to the renewables and other low carbon technologies, coupled with energy efficiency, lifestyle changes and carbon removal.

The greenhouse gas emissions from agriculture have alternatives, including voluntary changes to diets and the deployment of a range of carbon removal techniques.

It is clear that perfectly adequate alternatives exist, that sustain a healthy population, but the rapid path required in law has been rejected by the accused.

Ending the use of fossil fuels is comparable to ending war crimes

The argument made by this group, which accords with international criminal law, is that upon realising they were contributing to mass loss of life and unprecedented suffering, the accused should have retreated. They should have retreated from the 'battlefield of climate breakdown' as fast as if their own lives depended upon it.

If a nation engaged in war had realised it was committing war crimes, it would be required to cease and retreat. If it began to retreat, but its soldiers came under attack, it would be argued that soldiers could not be blamed for an act of self defence.

CGAN argues that this concept applies to the use of fossil fuels. Upon realising fossil fuels drive climate breakdown and cause mass loss of life, government should stop all non-essential luxuries and only use those fossil fuels needed to prevent loss of life. Fossil fuels could be used for absolutely essential activities, until the emissions were either ended by zero emission technologies or the emissions were removed from the atmosphere elsewhere.

The accused may argue that the majority of people in the UK would not be willing to accept the changes to lifestyles that would come with rapid decarbonisation of the economy but, if true, the accused should have resigned. There has never been a lawful excuse for participating in genocide, crimes against humanity and the greatest act of mass killing ever undertaken.

The prosecution of former government ministers

There is a case for the prosecution of former Labour Prime Ministers Blair and Brown, but CGAN formed the view it would be difficult to make a case against former Conservative Prime Minister John Major. At this stage CGAN decided to proceed against the named individuals because the case against them is certain and that, by doing so, there was a high probability that the ongoing policies that kill could be stopped.

One remaining legal point

You disagree with a peripheral point made in the dossier of evidence about the international agreements reached by the UK government. However, it must be noted, if the accused negotiate international agreements that result in mass death and suffering, this shows that very considerable thought has gone into the issues and, despite knowing of the harm caused, the accused proceeded with their chosen path. It is therefore a matter to be considered in a criminal investigation.

Next steps

1. In 2020 CGAN offered to meet with The Met to discuss the complexities of this case. The offer was not accepted. If The Directorate of Legal Services doesn't understand the science or disputes any other element to this case CGAN is willing to bring to a meeting a small delegation to explain the issues.
2. We have informed The Met of evidence that the head prosecutor at the ICC, Karim A A Khan, accepts that climate breakdown cases can be considered by his office. We have informed The Met of the cases that we are aware of. We have also pointed out that these cases refer to Article 30.2 (b), the section of the legislation that deals with crimes of oblique intent. We challenged The Met to contact Mr Khan. Why have you not done that? The failure to do so suggests that The Met remains determined to protect the killers.

3. Your letter of 27 March has been forwarded to the groups that have cases at the ICC and has been widely circulated to other campaigning lawyers. The feedback received, so far, shows that your thinking is flawed and doesn't stand up to examination.

4. You should inform SO15 now to keep this matter open until all issues have been impartially analysed and answered. When you have taken account of this evidence, you should inform the Met Commissioner that a criminal investigation must proceed and, in light of what has happened since 2019, the staff allocated to the case must be given categorical written instructions that they must investigate this thoroughly, without fear or favour and strictly in accordance with the law.

Yours sincerely.

Jon Fuller

Climate Genocide Act Now

CC: Max Hill KC

Judges and magistrates who have heard cases involving disruptive climate protest.

Judicial rep bodies.

DS Bolam: SO15

Sir Mark Rowley: Met Commissioner

References.

1. 1,320,000 people killed since the dossier as submitted to The Met.

The dossier provides references from WHO, GHF and Dara International on the number of people being killed by climate breakdown. The largest killer is the increased spread of disease in our 1.2C hotter/wetter world. The DARA International report commissioned for the UN shows around 400,000 people are being killed per annum.

2. The Potsdam Institute for Climate Impacts Research warns that at 4°C of global heating half the world's population could be killed.

3. Our World in Data. United Kingdom: What share of global cumulative CO2 has the country emitted?

<https://ourworldindata.org/co2/country/united-kingdom>

4. DARA Int: Climate Vulnerability Monitor: -

<https://daraint.org/climate-vulnerability-monitor/climate-vulnerability-monitor-2012/>

5. Pakistan floods – 50% worse due to climate breakdown.

<https://www.worldweatherattribution.org/climate-change-likely-increased-extreme-monsoon-rainfall-flooding-highly-vulnerable-communities-in-pakistan/>

6. UN on hunger and starvation in Horn of Africa.

<https://news.un.org/en/story/2023/03/1134442>

7. World Meteorological Organisation 'State of the Climate' report reveals that high water stress is estimated to affect about 250 million people on the continent and may displace up to 700 million individuals by 2030.

<https://news.un.org/en/story/2022/09/1126221>

8. UN Secretary General: -

<https://press.un.org/en/2022/sgsm21228.doc.htm>