



Climate Genocide Act Now

Address and E-mail address redacted

29 April 2023

Steven Bramley CBE Director
Directorate of Legal Services
10 Lamb's Conduit Street
London
WC1N 3NR

Dear Mr Bramley,

Criminal Investigation into crimes against humanity and genocide

Ref: 188022/TDS

I refer to your letter of 25 April and am concerned to read your comment about the proposed crime of 'Ecocide'. This strongly suggests you haven't properly read the dossiers of evidence and correspondence relating to this case.

This case is only concerned with mass killing and suffering of humans caused by the policies of the accused and others. The legislation referred to is the Rome Statute of the International Criminal Court, which was brought into UK jurisdiction by virtue of the International Criminal Court Act 2001 (ICCA 2001). Reference has also been made to English common law and the concepts of common purpose/ joint enterprise.

This group is calling upon The Met to use legislation that was enacted by Parliament. There is no lawful reason for the Met refusing to apply UK legislation.

Correspondence being copied to the judiciary and CPS

Your letter of 27 March and my reply of 3 April were copied to senior members of the CPS, a significant number of judges who, I have reason to believe, are concerned by this matter, and certain representative bodies. Your letter of 25 April and this reply will also be copied to those individuals and bodies.

Implications for the judiciary, CPS and Met Police staff

Prosecutors and the judiciary will be aware of the very sudden shift in opinion within the legal profession, caused by mass loss of life as climate breaks down. Legal professionals will note the step taken by the group Lawyers Are Responsible (1), the letter issued by the Centre for Climate Crime and Climate Justice (2 & 3) and the latest guidance from The Law Society for solicitors (4). All of these steps have significant implications for the legal profession.

If The Met cannot show it has applied the law without fear or favour, members of the judiciary may feel unable to hear future climate protest cases. That is why this issue must now be addressed with the utmost precision and professionalism. There is a lot at stake for all involved. Indeed, the group of campaigning lawyers, Plan B Earth, has warned judges that they may be facilitating genocide and crimes against humanity (5). Judges may be prosecuted if The Met gets this wrong.

You must also carefully consider the implications for Met staff, including staff within the Directorate of Legal Services.

Key evidence that police perverted the course of justice in 2019/2020.

The final sentence of your letter strongly suggests that if a democratically elected government undertakes to commit the most heinous crimes, The Met will disregard UK and international criminal law, even if that enables those who intend to kill to carry out further offences.

At the end of your letter you sum up with this: -

You state in your letter "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". The role of the Metropolitan Police is not to start investigations to try to change the policies of the democratically elected government".

In every other area of policing, when the Met hears of an intent to kill, it seeks to stop the killer. Parliament gave you the legislation to detect and stop the killers (ICCA 2001), but you have refused to apply the law.

Your position runs counter to English law. When a politician or government undertakes to kill British citizens or unlawfully cause mass death of civilian populations abroad, the police have an overriding duty to intervene. My correspondence with The Met and the dossiers of evidence prove that mass killing has begun, the accused know this and yet the accused intend to kill many millions more.

I have provided you with indisputable scientific evidence of mass killings within the UK and abroad, you know that more will be killed, but you won't intervene because you are under the mistaken impression elected government ministers are above the law.

In fact, it is Parliament that makes the law. The Met is required to enforce legislation enacted by Parliament. Parliament enacted ICCA 2001 to stop one section of society from killing another. Even if the killers are democratically elected, Parliament determined that mass killing is unlawful.

Article 30.2(b): ICCA 2001 and the Rome Statute allow for the prosecution of crimes of 'oblique intent'.

At various points in 2020, in one letter in 2021 and again when the updated dossier of evidence was submitted to The Met in 2022, I appealed to Met staff to seek professional legal advice. In 2021, and again at the end of 2022, evidence had emerged that the prosecutor's office of the International Criminal Court (ICC) saw no impediment to the use of Article 30. 2(b) (oblique intent) to prosecute cases relating to mass death and suffering caused by the policies that drive climate breakdown. On 3 April I asked why you hadn't approached the ICC and, just like all other Met staff, you refused to answer.

Given all that is at stake; the implications for judges, the reputation of the UK's criminal justice system, the 1,000 infants being tortured to death every day, the hundreds of millions of people starving and the billions of lives that are at risk, any reasonable person would expect The Met to make absolutely sure it hadn't made a dreadful error of judgement.

The legal professionals who read this correspondence are bound to ask why The Met wouldn't corroborate the position of the ICC. The questions that will go through minds are: -

- Is it because The Met knows the ICC will overrule it?
- Is it because The Met is determined to protect the accused?
- Is it because The Met is institutionally racist, not being overly concerned because the vast majority of death and suffering is occurring in the poorest black and Asian nations?

Institutional Racism

It is surely obvious to all that had an African nation deployed a geoengineering technique that resulted in the flooding of a third of the UK, harmed 33 million of our citizens, caused the destruction or damage to 2 million homes and killed thousands; and, if that nation said it intended to do it again, government would initiate a military response. It is surely obvious that The Met would also examine all possible options for prosecuting the individuals responsible. As you know, a third of the provinces in Pakistan were flooded in 2022, 33 million people were impacted, over 2 million homes were destroyed or damaged and thousands were killed (6). Despite that, the UK government makes it clear it will continue to expand some polluting activities and slow the pace of decarbonising others. The accused show they intend to do this again to Pakistan.

This is strong evidence of institutional racism. Currently the vast majority of victims are black and Asian with the greatest suffering caused by climate breakdown occurring in Africa. The crimes are being committed and facilitated by predominantly white people against predominantly black people. Had such crimes been committed against the predominantly white UK population, The Met would have intervened in any way possible.

Misunderstanding the purpose of highlighting the UK's historical emissions

On page 2 of your letter you say: "Your repeated reference to the UK's historical global emissions underlines rather than answers the problems of proving causation in this matter".

You appear to have misunderstood the purpose of referencing the fact the UK's historical emissions are 4.52% of the global total. Your letter of 27 March suggested you were under the mistaken impression that comparatively few people were being killed and harmed by the policies that are driving climate breakdown and you were therefore wrong to conclude it was impossible to attribute deaths to a policy or a range of policies.

On 3 April I provided a range of data that showed the UK's contribution to death and suffering, explaining that the UK is responsible for appalling levels of harm. One example was on the number of people killed from May 2010 to date. The data indicated over 5,100,000 people had been killed by climate breakdown and I suggested that UK policies are responsible for 4.52% of the 5,100,000 killed – the accused therefore being responsible for killing 230,520 people.

But I warned in my letter that this is an "incomplete method" of attributing responsibilities. I made it clear that was because UK politicians, who allow the policies that kill, share responsibility with all other politicians who allow the policies that kill. All are responsible for death, loss of property and all other harms set out in the dossiers of evidence (see also the subsequent correspondence). They have a common purpose and are engaged in joint enterprise.

Attribution of individual responsibility for death and suffering

Despite your thinking on direct attribution/causation being flawed, it is nevertheless important to show that, even if your thinking was right, the conclusion you drew from that was also false.

Here are two examples that link mass suffering to the policies of the accused.

On 28 April the Daily Mirror reported on the famine caused by the unprecedented 6th consecutive year of failed rains (7) in the Horn of Africa. The report notes reputable sources, showing this is caused by climate breakdown and quotes the Red Cross: "right now, more than 140 million people are without food".

Note this: -

140,000,000 without food.

4.52% UK historical share = 6,328,000 without food.

However, the UK is currently responsible for around 1% of global territorial emissions. If we apply the figure of 1%: -

1% = 1,400,000 without food.

The UK aviation sector accounts for around 8% of UK CO2 emissions. If we apply 8%: -

8% of 1,400,000 = 112,000 people without food.

The accused could have required that the mainly luxury, non-essential activity of aviation be required to pay for carbon removal technologies to offset its emissions. But the accused have always refused that. Instead, the accused did the opposite and adopted a range of policies intended to increase aviation. The accused knew with absolute certainty that their aviation policies were contributing to appalling suffering and death, yet they were determined to increase those emissions.

Here is one more calculation, to emphasise the unprecedented scale of suffering: -

The 2022 Intergovernmental Committee on Climate Change (IPCC) report showed “approximately 3.3 to 3.6 billion people live in contexts that are highly vulnerable to climate change” (8). The suffering of 3.3 billion people will ebb and flow but, year upon year, it will get worse.

3,300,000,000 highly vulnerable people.

4.52% UK historical share = 149,160,000 people.

However, the UK is currently responsible for around 1% of global territorial emissions. If we apply 1%: -

1% = 33,000,000 people.

The UK aviation sector accounts for around 8% of UK CO2 emissions. If we apply 8%: -

8% of 33,000,000 = 2,640,000 people.

If this incomplete method of attributing responsibility/causation is used, we see 2,640,000 people have been endangered by the accused.

The calculations above prove that it is possible to attribute death and suffering to specific policies. On 27 March you were wholly wrong to have argued: “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”.

However, that isn't the way the law relating to crimes against humanity and genocide works. There are instances when criminals are guilty of taking a step or orchestrating a range of steps that they know will contribute to mass death and suffering. They have not personally shot/murdered the victims, they acted with others; with all knowing that the chosen path will lead to mass death and suffering. They share responsibility; they have a common purpose.

In the most recent trial for genocide, Irmgard Furchner was convicted for having been nothing more than an office clerk at Stutthof concentration camp, documenting the people arriving to be murdered. There is no evidence that she shot or gassed anyone, but she played a part in murder and, without each person playing their part, the Holocaust could not have happened. She shared common purpose with the killers and was therefore equally responsible for the killings.

That is the case with the 5 accused in the dossiers of evidence. The accused have all seen the scale of death and suffering that is caused by the range of policies they support and implement. They all know that billions of people are vulnerable, that death and suffering will increase. Despite knowing this, with absolute scientific certainty, they continue to increase emissions in some areas and slow the pace of decarbonising others. They know their policies result in these crimes (see the detail in my letter of 3 April), summarised again here: -

Crimes Against Humanity: A. Murder

The accused know with absolute certainty that their policies have killed and will kill in larger number in the future. This isn't mere manslaughter, where a person kills by reckless behaviour. This isn't a case of manslaughter where the

accused should have known the victims will be killed. This is a case where the accused have seen the deaths that have already occurred, but they have made a resolute choice to proceed, knowing their actions will kill more people.

Crimes Against Humanity: B. Extermination

The accused know that several low-lying island states are being annihilated. The accused know people are already being displaced, forced to leave their nation and the policies they initiate and maintain will contribute to the complete destruction of those nations. The land, culture, property will be exterminated, with the inhabitants killed if they don't leave.

Crimes Against Humanity: D. Deportation

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'.

Crimes Against Humanity: H. Persecution

The most vulnerable populations are clearly being persecuted. Their representatives at climate conferences have often used the expression "this is a death sentence for my people", but the accused continued with the policies that they knew would kill even more people.

Crimes Against Humanity: K. Other inhumane acts

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. There are many unique horrors associated with the early stages of the crime. In particular: -

- The killing of 360,000 infants a year by the policies that cause the increased spread of disease - the infants are killed slowly over several days. Killing around 1,000 infants a day by the spread of disease is akin to torture – torturing infants to death.
- Worse still, representatives of the victims begged the accused not to continue with their policies and warned them the policies were "a death sentence for my people". These pleas were often made in public. Despite this the accused continued.

Genocide: Intent to destroy, in whole or in part a national group

The accused have seen that the policies they initiate and sustain are forcing people from their land and the nations in which they live. The accused have been warned that, if these policies continue, several low-lying island nations will be completely annihilated. It is a unique genocide – removing nation states from the map. Despite this the accused remain determined to continue with the policies that lead to annihilation.

The proof that The Met's thinking is flawed

I have warned Met staff that they must now act with the utmost integrity, analysing this with precision and professionalism. You have not done that.

In the correspondence with CPS, judges and others, I have argued that the officers who dealt with this case in 2019 and 2020 had perverted the course of justice. That was because of the number of times I wrote to them and the number of bodies I appealed to. I didn't ask once, I repeatedly asked The Met to justify its position, but it refused to do so. The officers responsible almost certainly refused to explain their decision, because they knew their position was unlawful.

These facts are now clear: -

- You have not disputed a single one of the scientific references provided that underpin this case;
- I have proven you were wholly wrong with your assumptions around the numbers of people now being killed and harmed;

- The attribution of responsibility to the accused for starving 112,000 people and exposing 2,640,000 people to high vulnerabilities from climate change (and the other examples provided on 3 April) prove that your calculations have no credibility;
- You cannot explain why the common law concepts of common purpose/joint enterprise do not apply;
- You have refused to seek expert legal opinion from the ICC on Article 30.2(b), which appears to prove your thinking on the application of 'oblique intent' is flawed;
- Your refusal to explain why you won't approach the ICC undermines the impartiality of the police and damages the reputation of The Met;
- You cannot explain why the concept of 'oblique intent' was written into the legislation if it wasn't meant to be used;
- You continue to assert that: "nothing you have cited indicates that any of the individuals named have formed this Intent", but the case proves the accused know with absolute certainty they cannot achieve their objectives without death and other harms occurring;
- The evidence provided proves that the level of intent has surpassed the oblique threshold and is close to, or at, the direct intent threshold, but you cannot provide any evidence to support your assertions to the contrary;
- You haven't disputed any of the scientific references that show the victims are almost exclusively civilians;
- Despite the fact that the range of policies outlined in the dossiers proves that this is a widespread and determined effort to achieve substantial personal/financial/economic gains, and the objectives of the accused cannot be secured without the crimes being committed, you do not show why you believe that cannot be interpreted as 'widespread or systematic'. Anyone can say any words they like, but you must provide evidence to counter the evidence produced in the dossiers.
- You repeat that it is for democratically elected governments to negotiate treaties but refuse to acknowledge the point made that treaties may be illegal if they breach the Rome Statute of the ICC;
- You state "The laws of England and Wales are those which the Metropolitan Police is under a duty to uphold" but you categorically refuse to uphold ICCA 2001, which allows for the prosecution for the crimes outlined in the Rome Statute and at the thresholds of both oblique and direct intent; and
- Your reference to proposed legislation of 'ecocide' strongly suggests you've undertaken little more than a cursory glance at the evidence.

Members of the judiciary will note the final sentences in your letter of 25 April, because this probably explains why The Met refused to apply legislation enacted by Parliament: -

"You state in your letter "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". The role of the Metropolitan Police is not to start investigations to try to change the policies of the democratically elected government."

Your final sentence runs counter to the pledges made by Sir Mark Rowley prior to his appointment. He made it clear he believed no one was above the law, he would stamp on corruption and he would police without fear or favour. You make his position untenable. After the humiliating episode of Partygate, and the revelation that Dame Cressida Dick's Met Police had to be forced to mount a criminal investigation into a serving Prime Minister, Sir Mark Rowley promised a break with the past. I cannot help but notice he has been assiduous in ensuring his name and the office of the Met Commissioner have not appeared in correspondence since September 2022, but this case has the potential to follow him for the rest of his life.

Unlike the Hillsborough Disaster, the deaths occurring in the UK are in the thousands and they will increase. Soon the deaths will be in the tens of thousands. The victims who will suffer the most are the young and they will demand Justice; hopefully in a court of law. The case initiative by the UK Youth Climate Coalition which is now at the ICC shows that justice will be pursued and that pursuit will be relentless.

Next steps

It is abundantly clear to all that there are serious failings in your thought process and conclusions. In light of the gravity of the threat to life and the threat to the reputation of the entire criminal justice system you must now seek outside professional, reputable legal advice. The Met Commissioner should be asked to intervene personally and

make it clear in writing, in his own name, that the legal advice must be provided strictly in accordance with the law and the investigation must be undertaken without fear or favour. He must make it crystal clear he stands by his word that no one is above the law.

You use the words "I am instructed" in your letter. This suggests this is not your specialist area and have sought advice from elsewhere. The Met Commissioner must seek new advice and make it clear who provides that advice.

If Parliament wants to withdraw from the Rome Statute of the ICC and repeal ICC 2001, that is a matter for Parliament, but it is not for The Met to pick and choose which laws enacted by Parliament it will apply, and the laws it will not. Prime Ministers come and go, but Parliament is the centre of British democracy and establishes the laws that govern us all – including Met Commissioners.

If the accused decide to repeal the legislation, that is up to them. It is not something The Met should concern itself with now.

There is still time for Met staff and decision takers to now correct the error made by DS Bolam when he received the case in September 2022, but it is now too late for the decision takers in 2019/2020. The Met still has an opportunity to attempt to undo some of the immense damage it has done, please don't squander it.

Please let me know what The Met decides.

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. <https://www.lar.earth/>
2. <https://www.qmul.ac.uk/law/news/2021/items/queen-mary-launches-new-centre-for-climate-crime-and-justice.html>
3. <https://twitter.com/ccccjustice>
4. <https://www.lawsociety.org.uk/topics/climate-change/impact-of-climate-change-on-solicitors>
5. <https://planb.earth/wp-content/uploads/2022/12/PR-Barrister-status-1.pdf>
6. <https://www.unicef.org/emergencies/devastating-floods-pakistan-2022>
7. <https://www.mirror.co.uk/news/world-news/inside-drought-stricken-east-africa-29829494>
8. https://www.ipcc.ch/report/ar6/wg2/downloads/report/IPCC_AR6_WGII_HeadlineStatements.pdf