

**GISELA TOUSSAINT**  
**ATTORNEY – AT – LAW**

RAin G. Toussaint, Geigersbergstr.31, D - 76227 Karlsruhe, Germany

The International Criminal Court  
Office of the Prosecutor  
The Hon. Fatou Bensouda  
Oude Waalsdorperweg 10  
NL - 2597 AK, The Hague  
The Netherlands

Attorney-at-law  
Gisela Toussaint  
Geigersbergstr. 31  
D - 76227 Karlsruhe-Durlach  
Germany

Tel.: 0049 (0)721 1838647  
Fax: 0049 (0)721 1838841

26 September 2018

In the name of and by power of attorney of Ms. Marianne Grimmenstein-Balas, residing at Cornelius Strasse 11, D-58511 Lüdenscheid, Germany, as well as in the name of the undersigned, I respectfully submit to you for appropriate action

**a communication identifying crimes under International Law**

**committed by:**

1. The American Petroleum Institute (API) and all its member companies and all the Chief Executive Officers of these companies from 1946 to the present day
2. The Royal Dutch Shell Corporation and all its Chief Executive Officers from 1946 to the present day
3. Exxon (the Standard Oil Company of New Jersey) and all its Chief Executive Officers from 1946 till 1999
4. Mobil Oil (the Standard Oil Company of New York) and all its Chief Executive Officers from 1946 till 1999
5. The ExxonMobil Corporation and all its Chief Executive Officers from 1999 to the present day
6. The former United States Secretary of State and former Chief Executive Officer and President of ExxonMobil, Rex Tillerson
7. Vladimir Vladimirovich Putin, President of the Russian Federation
8. Rosneft and its Chief Executive Officer Igor Ivanovich Sechin
9. The Stanford Research Institute
10. Robert E. Murray
11. The Murray Energy Corporation
12. Robert Mercer
13. The Mercer Family Foundation
14. The Heartland Institute
15. The President of the United States, Donald J. Trump
16. The Vice President of the United States, Michael Pence
17. The former Administrator of the United States Environmental Protection Agency (EPA), Scott Pruitt
18. The current Administrator of the United States Environmental Protection Agency (EPA), Andrew Wheeler

19. The United States Secretary of Energy, Rick Perry
20. The Attorney General of the United States, Jeff Sessions
21. Member of the U.S. House of Representatives, Michael Conaway
22. Member of the U.S. House of Representatives, Fred Upton
23. The former Prime Minister of Australia, Malcolm Turnbull
24. The Adani Group of India, and its Chief Executive Officer, Gautam Adani
25. The members of the European Commission (EC)
26. The former European Commissioner for Trade, Karel de Gucht
27. The members of the European Council
28. The Chancellor of the Federal Republic of Germany, Angela Merkel
29. The former Minister of Economic Affairs and Energy of the Federal Republic of Germany, Sigmar Gabriel
30. The current Minister of Foreign Affairs and former Federal Minister of Justice and Consumer Protection of the Federal Republic of Germany, Heiko Maas,
31. The members of the government of the Federal Republic of Germany
32. Members of the factions at the German Bundestag of the following parties: the CDU/CSU and the SPD
33. The members of the faction at the German Bundestag of the AfD party
34. The members of the government of Canada
35. The members of the government of Japan
36. Members and former members of the government of the United States of America
37. The members of the governments of all member states of the European Union and the UN
38. The corporate groups of the fossil fuel sector and their respective Chief Executive Officers
39. The RWE AG
40. The Chairman of the Board of the RWE AG, Rolf Martin Schmitz
41. The former RWE AG-Innogy Chief Executive Officer, Fritz Vahrenholt
42. The corporate groups of the automotive industry and their respective Chief Executive Officers
43. BlackRock Inc. and all such global investment management corporations and their agents and representatives
44. Agents and representatives of the financial sector
45. Shareholders of the joint-stock companies of the fossil fuel industry
46. Shareholders of investment trusts with holdings in the fossil fuel industry
47. N.N.,

to wit

**Crimes against Humanity according to Article 7 Paragraphs 1(b) and 2(b) of the Rome Statute of the International Criminal Court**

and

**the crime of – global - Genocide according to Article 6(c) of the Rome Statute of the International Criminal Court**

also punishable under

**the Convention on the Prevention and Punishment of the Crime of Genocide of 1948 and Customary International Law**

notably,

**A) In the time before the signing of the Paris Agreement within the United Nations Framework Convention on Climate Change (UNFCCC)**

- a) The establishment in 1946 of the "Smoke and Fumes Committee" by the "American Petroleum Institute" (API) to effectuate the obstruction of government regulation of air pollution caused by car exhaust fumes and also the subsequent commissioning and publication of deceitfully inaccurate scientific studies meant to cover up the danger to the climate posed by smog and later, by sulphur and CO<sup>2</sup> from car exhaust fumes, and/or
- b) the certain and continuously improved knowledge, existing since the secret Brannon Report of 1957 made at the behest of ExxonMobil, of the process of global warming as being caused by the massively increased and until the present day, still continually rising, emission levels of CO<sup>2</sup>, which "resulted from the combustion of fossil fuels", most notably oil (in automotive gasoline), coal and gas, and/or
- c) **the certain knowledge, existing since Edward Teller's 1959 address, on the occasion of the 100<sup>th</sup> anniversary of the oil industry – delivered before 300 members of government, representatives of the business sector, historians and highest-ranking representatives of the oil industry – of global warming caused by CO<sup>2</sup> emissions, the melting of the polar ice caps, sea level rise, the imminent submergence of the city of New York and the attendant urgent and compelling necessity of replacing fossil energy sources (!) stating "energy resources of the past must be supplemented", and/or**
- d) the certain knowledge, existing since a report made to Lyndon B. Johnson in 1965, that humanity is "unwittingly conducting a vast geophysical experiment" by burning tremendous quantities of fossil fuels, thus running the danger of causing "measurable and perhaps marked changes in the climate", and/or
- e) the certain and continually improved scientific knowledge, existing at latest since the secret "Robinson Report" of 1968, made at the behest of the "American Petroleum Institute" (API), of the process of "global warming", the "melting of the ice cap(s)", and the "rise of the sea level" as being caused by the massively increased and until the present day, still continually rising emission levels of CO<sup>2</sup> from the combustion of fossil fuels, most notably oil (in automotive gasoline), coal and gas, which "is quite sure to lead to a significant degree of climate change" by around 2000, and/or
- f) **the scientific knowledge, existing at the latest since the "Exxon Memo" of 1981, of "well short of catastrophic" effects for a "substantial fraction of the earth's population" prognosticated to occur at around "2030", caused by global warming, resulting from the unchecked continuation of grievous levels of CO<sup>2</sup> emissions, and/or**
- g) The absolutely certain knowledge, existing at latest since the secret Shell Report of 1986/88, that anthropogenic "global warming" caused by CO<sup>2</sup> emissions resulting from "fossil fuel combustion", as well as
- h) the knowledge, likewise set forth in the aforementioned report, that in the face of global warming caused by the burning of fossil fuel, it is imperative for the energy sector to initiate "international cooperation" with the "governments and others" for "the development of appropriate measures to tackle the problem", and
- i) the knowledge, likewise set forth in the aforementioned Shell Report of 1986/88, that in the event that global warming has already had pronounced effects, "it could be too late to take effective countermeasures to reduce the effects or even to stabilise the situation", and

- j) the failure to initiate immediate countermeasures to bring about the reduction of CO<sup>2</sup> emissions and a transition to renewable energy sources in the face of the aforementioned knowledge, and
- k) the failure to pass on the aforementioned knowledge to the global community despite better judgement, and
- l) taking action, even actually on the basis of this knowledge, in driving the massive intensification and preservation of operations serving the continued extraction of fossil energy resources, at the same time even increasing its cost-effectiveness and profitability, and
- m) despite this knowledge, engaging in up to six decades of high-profile public denial of anthropogenic global warming caused primarily by CO<sup>2</sup> emissions as well as challenging the scientific basis of this fact, and
- n) despite this knowledge, engaging in up to six decades of massively obstructing the adoption of a United Nations agreement for swift, timely and effective abatement of global warming by means of agreeing upon and actualising the decarbonisation of the global economy,
- o) despite this knowledge, engaging in up to six decades of, on one hand, a factually massive advancement of, and, on the other hand, a tacit acceptance of the attainment of a worldwide condition which was prognosticated for around 2030 by the "Exxon Memo", in which effective countermeasures for the abatement of global warming shall no longer be possible and said planetary condition be no longer capable of stabilization,
- p) despite this knowledge, engaging in up to six decades of, on one hand, a factually massive advancement of, and, on the other hand, a tacit acceptance of the attainment of a worldwide condition in which effective countermeasures for the abatement of global warming can be implemented only by means of exceedingly ambitious worldwide measures involving climate protection and decarbonisation, said planetary condition being nonetheless possibly permanently no longer capable of stabilisation.

**B) In the time since the signing of the Paris Agreement within the United Nations Framework Convention on Climate Change (UNFCCC) in December 2015**

- a) in the (partial) decades-long knowledge of the "secret" or exclusively in-house scientific reports referred to in A) concerning the greenhouse effect and its ramifications and the deadly threat they pose to all life on this planet
- b) in knowledge of the fact that the immediate and extremely ambitious fulfilment of the Paris Agreement – notably involving the decarbonisation of the global economy, the transition of energy supply operations to the use of renewable energy sources, in addition to the absolute conservation of the rainforests – will enable the containment of global warming to 1.5°, in any case up to a level considerably below 2° and thus avert the extinction of the entire world population, an undertaking that can and must be done, and
- c) in knowledge of the fact that on account of a) and/or b), the non-compliance with, obstruction and violation of the Paris Agreement will lead to the extinction of the world population.
- d) the wilful or grossly negligent **non-compliance with the Paris Agreement** and/or the aiding and abetting thereof, and/or
- e) the wilful or grossly negligent **obstruction of the executability the Paris Agreement** with the aid of

- 1) the adoption of so-called Free Trade Agreements which serve to usurp the legislative power of national parliaments as well as the sovereignty of states under rule of law and the incitement and aiding and abetting thereof and/or
- 2) calling for or fulfilling the demand for the termination of the Paris Agreement
- 3) calling for or fulfilling the demand for the repeal of climate protection legislation
- 4) calling for or fulfilling the demand for the dismantling of government ministries charged with environmental protection in terms of personnel and institutional status
- 5) calling for or fulfilling the demand for the repeal of taxation and regulation of the fossil fuel sector
- 6) calling for or fulfilling the demand for the termination of subsidies supporting the renewable energy sector

**f) the wilful or grossly negligent and grievous violation of the Paris Agreement, notably by means of**

- 1) the unconstrained continuation and even increase of activities for the extraction of oil, coal and gas and their combustion for power generation in addition to the operation of pipelines
- 2) the approval and operation of new coal mines and oil and gas fields, fossil fuel power plants and pipelines
- 3) the creation, financing, submission and support of the Heartland Institute's "Action Plan for President Trump"
- 4) the politically facilitated implementation of said plan, referred to in 3)
- 5) the creation, financing, submission and support of Robert Murray's "Action Plan for the Administration of President Donald J. Trump"
- 6) the politically facilitated implementation of said plan, referred to in 5)
- 7) the official denial of the existence of anthropogenic global warming as well as the denial of the real danger of its catastrophic effect upon the continued survival of humankind, in addition to the denial of its possible avertible nature by means of the immediate decarbonisation of the global economy or the incitement and aiding and abetting thereof

**g) in the knowledge of the recently acquired scientific understanding that the catastrophic effects of global warming have already advanced to such an extent, **that we are already at the outset of a "hot age", and that we have "already run out of time" and faced with the real danger that humankind will slip into a planetary condition where the global condition will no longer be suitable to support civilization (Professor Hans Joachim Schnellhuber), and****

**h) despite the knowledge of the findings referred to in g) and though obligated to do so, declining to finally take immediate action to fulfil the Paris Agreement, and instead, engaging further in obstructing and even grievously contravening it, in the manner described under d), e) und f).**

## Grounds

The global community, though in fact, quite predominantly the industrialised nations, have, in recent decades, caused a fatal warming of the atmosphere, the oceans and the poles, which poses a threat to all life on earth, not only by means of the immensely increased and still dramatically waxing level of greenhouse gas emissions, but also through the indiscriminate clearing of the rainforests and other ecologically harmful operations. The anomalous warm periods occur more and more frequently.

With the aid of a new series of climate visualisations, a British professor of Meteorology, Ed Hawkins, portrays climate change in a most striking manner. His so-called "warming stripes" communicate the progressive development of global temperatures in the period between 1850 and 2017:

<https://www.climate-lab-book.ac.uk/2018/warming-stripes/>

As for Germany, according to the records of the Deutscher Wetterdienst (DWD – the German Meteorological Service) of Offenbach, here are the average annual temperatures in the period between 1881 and 2017.

<https://www.klimafakten.de/meldung/jetzt-auch-fuer-deutschland-der-klimawandel-als-unheimlich-schoener-strichcode>

**Today, the average annual temperature rise constituting global warming already amounts to 1° Celsius, whereas in Germany, the rise actually amounts to 1.4°. Without a drastic reduction of CO<sup>2</sup> emissions within the space of the next few decades, global warming will attain an increase of 2°, 3° or even 4°, which will make the world uninhabitable.**

The danger to the environment that car exhaust fumes pose and the resulting causal structure between CO<sup>2</sup> emissions and global warming, of which the broad public has only been aware in the course of the last two years, was already fully known in 1946 to the fossil fuel industry and in part, to the automotive industry, both of which flagrantly and persistently deny this fact up to the present day.

In actual fact, the fossil fuel and automotive industries had secret, exclusively in-house access, particularly, already in the Fifties of the past century, to the most up-to-date and for the time, best, scientific analyses concerning the causal connection between burning fossil fuels and the attendant CO<sup>2</sup> emissions and global warming, in addition to the catastrophic consequences for the world population. Beyond that, the scientists involved had urgently called for an abandonment of fossil energy sources and a transition to alternative sources of energy. All this was deliberately kept from the public for decades.

Especially noteworthy among these scientific analyses, findings or revelations are the "Brannon-Report" of 1957, Edward Teller's address of 1959, the "Robinson-Report" of 1968, the "Exxon Memo" of 1981 and the "Shell Report" of 1986/88.

As corroboration I would like to cite as evidence the excellent documentation of the Center for International Environmental Law ([www.ciel.org](http://www.ciel.org)), concerning the "Smoke and Fumes" documents: <https://www.smokeandfumes.org/documents> and further documents from "Climatefiles" [www.climatefiles.org](http://www.climatefiles.org) as well as <https://insideclimatenews.org/news/15092015/Exxons-own-research-confirmed-fossil-fuels-role-in-global-warming>

Apart from that, there is the television documentary by Johan von Mirbach of 12 November 2017 (aired on 24 August 2018): "Die geheimen Machenschaften der Ölindustrie" (The Secret Machinations of the Oil Industry)

<https://www1.wdr.de/fernsehen/die-story/sendungen/die-geheimen-machenschaften-der-oelindustrie100.html>

A television documentary by the German investigative and political television magazine called 'Monitor', entitled "Klimawandel und Sommerhitze: die Gegner" (Climate Change and Summer Heat Wave: the Adversaries" first aired on 16 August 2018.

<https://www.ardmediathek.de/tv/Monitor/Klimawandel-und-Sommerhitze-Die-Gegner-/Das-Erste/Video?bcastId=438224&documentId=55162468>

Another television documentary by 'Monitor' entitled "Verfehlte Klimaziele: schmelzende Gletscher dank Braunkohle" (Missed Targets: melting Glaciers thanks to Lignite Coal) first aired on 14 September 2018 <https://www1.wdr.de/daserste/monitor/videos/video-verfehlte-klimaziele-schmelzende-gletscher-dank-braunkohle-100.html>

Most noteworthy is also an article by Benjamin Franta dated 1 January 2018 in the Guardian: "On its 100th birthday Edward Teller warned the oil industry about global warming" <https://www.theguardian.com/environment/climate-consensus-97-per-cent/2018/jan/01/on-its-hundredth-birthday-in-1959-edward-teller-warned-the-oil-industry-about-global-warming>

In 1959, on the occasion of the 100th anniversary of the oil industry, Edward Teller, one of the most respected scientists of his time, addressed the prime movers and decision-makers of the United States in the fields of politics and business and of other sectors of society, especially of the fossil fuel sector, urgently warning them of the dire consequences of a drastic warming of global temperatures by several degrees; rising sea levels, melting polar ice caps, and even the submergence of the city of New York. He even called for the fossil energy sources of the time had to be replaced!

At the latest since this address, it can be proven that over 300 of the most important decision-makers of the United States, whose names can surely still be ascertained today, had learned long ago of global warming caused by CO<sup>2</sup> emissions posing a threat to the survival of humankind, as well as of the urgent necessity of transitioning to renewable sources of energy.

Today, the global community – even in Europe – is being plagued by summers that are getting relentlessly hotter in addition to the drastically increasing occurrence of grievous and life-threatening droughts on one hand, and catastrophes caused by torrential rains and storm surges on the other.

The emission levels of greenhouse gases remain uncurbed and thus continue to increase staggeringly. In addition to this, new free trade deals are being planned worldwide, which aim to increase the production, transport and consumption of goods even further. If these developments are allowed to go unchecked, we will see within the space of the next few decades, a catastrophic increase of global warming to the tune of 3, 4 to 6 degrees Celsius.

It was only a year ago, in June 2017, when the international climatologists Christiana Figueres, Hans Joachim Schellnhuber, Gail Whiteman, Johan Rockström, Anthony Hobley and Stefan Rahmsdorf warned in their article entitled "Three Years to Safeguard our Climate" <https://www.wbcsd.org/Programs/Energy-Circular-Economy/Climate-Energy/News/3-years-to-safeguard-our-climate>, that the global community had only, if at all, three years' time to halt the increase of the level of CO<sup>2</sup> emissions and reduce its peak level drastically enough to maintain the 1.5° target.

If, however, we keep on emitting ever more enormous amounts of CO<sup>2</sup>, instead of cutting emissions very radically, the maximum amount of CO<sup>2</sup> which we are permitted to emit in order to maintain the 1.5°, 2° or 3° target, shall be reached quickly.

**So here we have a simple calculation so crucial to our survival, which apparently completely eludes the political, financial and even legal elites of this world.**

Today, according to the most recent scientific studies, we are actually poised on the verge of a "hot age" that will pose threat to all life on earth. This will be a worldwide condition in the course of which the further consequences of already present, massive global warming will lead to yet more uncontrollable worldwide environmental changes such as those affecting the system of ocean currents, radical alterations afflicting global wind patterns, an even more accelerated melting of the polar ice caps, the melting of permafrost, resulting in the release of methane, etc. – these are so-called "climate tipping points" which can bring irreversible change. Together, all the aforementioned phenomena will only exacerbate and intensify each other to most disastrous effect.

Also see the new scientific study entitled "Trajectories of the Earth System in the Anthropocene" dated 19 June 2018 by Will Steffen, Johann Rockström, Katharine Richardson, Timothy M. Lenton, Carl Folke, Diana Liverman, Colin P. Summerhayes, Anthony D. Barnosky, Sarah E. Cornell, Michael Crucifix, Jonathan F. Donges, Ingo Fetzer, Steven J. Lade, Marten Scheffer, Ricarda Winkelmann and Hans Joachim Schellnhuber.  
<http://www.pnas.org/content/early/2018/07/31/1810141115>

In this respect, if such developments remain unchecked, vast areas of the world – even in Europe – stand to become uninhabitable for human habitation, already in the course of the coming decades, on account of average daily temperatures far in excess of 40° C.

Apart from that, it will be impossible in these extensive regions to produce both animal and plant-derived food.

In view of the fact that with a level of global warming amounting to an average of 1.4°, we have already had to proclaim the second catastrophic drought of recent years, and face the alarming, foreseeable prospect of such droughts becoming a permanent fixture. As a consequence, vast areas of our earth stand to become unfit for growing food crops or raising meat animals, and this much sooner than a global warming temperature rise of "only" 2°, consequently becoming uninhabitable.

On the basis, however, of current levels of global CO<sup>2</sup> emissions that are virtually left to grow unchecked, we can already establish a global warming level of 3° to 6° by the end of this century.

The extent of the effect of a level of global warming amounting to two, three or four degrees Celsius upon humans and nature has been collated by the German environmental protection agency called NABU on the basis of data from the German Federal Environmental Agency.

<https://www.nabu.de/umwelt-und-ressourcen/klima-und-luft/klimawandel/11420.html>

This deadly development in its entirety could have been most assuredly forestalled through timely, active research and action of the fossil fuel industry, especially by the American players and particularly by the respective CEOs and the scientific and political apparatuses involved.

If only the scientists, CEOs and politicians of those times, 40, 50 or 60 years ago, had already then reacted appropriately to the emerging global warming phenomenon by concluding a global climate action agreement involving the decarbonisation of the world economy and thus saving the world population, then we, today, would have had – for decades – a world blessed with an energy supply completely based on renewable energy resources. There would be no increase in global warming, no imminent "hot age", no extremely menacing "tipping points" and no terrible worries whatsoever, about the future of our children and our children's children in this world.



Six whole decades have been wasted, which could otherwise have been utilised to mount rescue and reclamation efforts as well as to enact a leisurely, unruffled and meticulous transition of the global economy to use of renewable energy sources.

Beginning in the Nineties of the preceding century, in the face of growing evidence of the deadly menace posed by the incipient and possibly, very soon escalating, climate catastrophe, and after decades of negotiations and continual attempts at obstruction by climate change deniers, practically every member state of the United Nations has signed the Paris Agreement on 12 December 2015.

An immediate and pre-eminently ambitious implementation of the Paris Agreement of 2015 has gained paramount importance in the face of the now incipient "hot age", and currently constitutes the only alternative that the global community has, to survive.

With the help of the UN in connection with the Paris Agreement, and with the goal of averting the destruction of the planet and the extinction of the world population by means of advancing global warming, the entire global community has agreed to undertake joint, very intensive, "pre-eminently ambitious" and comprehensive efforts to halt global warming at 1.5° or in the very least at a maximum temperature significantly below 2°, in order to establish an actual condition of greenhouse gas neutrality by 2050 at the latest.

This goal of the speedy achievement of a state of greenhouse gas neutrality can and should primarily be attained by means of a massive and swift worldwide reduction of the extraction and consumption of fossil fuels (i.e. the decarbonisation of the entire global economy) in addition to the worldwide transition of power generation to the use of renewable sources of energy (as exemplified by the German "Energiewende") until 2050, at the latest.

This entails the expedited revocation of mining concessions for oil, coal and gas, as well as an indispensable, absolute cessation of issuing new oil, coal and gas extraction concessions.

In addition to this, it is absolutely imperative, on a worldwide basis, to, for instance, convert all automobile, ship and airplane engines accordingly and/or massively reduce their use. Apart from that, heating and cooling systems, the entire process of the manufacture of goods, livestock husbandry, agriculture, local and long-distance transportation etc. as well as the investments involved, are to be correspondingly adapted to a climate-friendly, greenhouse gas neutral orientation.

Overall, a transformation of the global economy in its entirety, geared towards sustainability and power generation technologies based on renewable resources, must be executed in order to avert the imminent global climate catastrophe before it is too late.

Accordingly, the Paris Agreement is actually a worldwide economic agreement intended to effect a transformation of the entire global economy and place it on a climate-neutral, environmentally-friendly footing.

At this juncture, sadly, it is especially noteworthy that for over six decades, oil, coal and gas companies – and their investors – have persisted in demanding – and upholding – the unabated extraction and use of fossil fuels, as immense profits are still to be made in this sector.

Yet all UN member states have subscribed to the practical implementation of this common "global target" of achieving a state of greenhouse gas neutrality as soon as possible, involving each UN member state undertaking to commit itself to attain greenhouse gas neutrality by means of pre-eminently ambitious regulatory intervention.

To achieve this, it was agreed upon that all UN member states were to develop a national climate action plan to be implemented as decisively and swiftly as possible.

These climate action plans should, depending on the capabilities of the state concerned – promulgate and execute the best possible, most effective and ambitious legislative regulatory measures available to be levelled against the national and international corporate sectors for the attainment of greenhouse gas neutrality targets for the national economy as expeditedly as possible.

These national targets are to be registered, examined and monitored by the UN. The states involved are permitted to set higher targets after five years. Setting lower targets, however, is not allowed.

Notwithstanding, it is quite lamentable, that despite numerous attempts at implementation, the Paris Agreement does not provide at all for penalties or sanctions in the event of non-compliance of the aforementioned stipulated obligations.

It is nonetheless clear, that the global community in its entirety is doomed to extinction, if the contractually stipulated targets are not all met because specific states, notably major industrialised states that are strong emitters of greenhouse gases, will not subscribe to these pre-eminently ambitious regulatory measures for the speedy attainment of a state of greenhouse gas neutrality and accordingly take no action to implement them.

And there are already a number of reliable and reputable studies available, which set forth in every detail, which extensive measures can viably be taken to comply with the adherence to climate objectives. Kindly refer to the studies of the German Advisory Council on Global Change (WBGU - Wissenschaftlicher Beirat der Bundesregierung Globale Umweltveränderungen), of Mission 2020, the Greenpeace study, etc.

Yet, the continued inaction of every single UN member state, in addition to their collective obstruction of the Paris Agreement in terms of trade policies and notably, their persistent and grievous violations of the said agreement, will cause global warming to increase to such an unconstrained and irreversible extent, that the aforementioned, absolutely irresponsible and exceedingly criminal actions, will inevitably and irrevocably doom the entire world population to a certain death.

They "create", as shall be explained in due course,

- a) by continued inaction,
- b) by obstruction in terms of trade policies, especially with the aid of the so-called free trade agreements and/or by withdrawing from the Paris Agreement and/or
- c) by committing grievous violations against the Paris Agreement,

in consequence, "adverse living conditions which shall serve to initiate the extinction of the world population".

Accordingly, such states or their representatives, in addition to the representatives of the economic and financial sectors who, despite the signing of the Paris Agreement, persist in opposing the joint efforts to save the earth from the imminent climate catastrophe, make themselves culpable of

Crimes against Humanity according to Article 7 Paragraph 1(b) and Paragraph. 2(b) of the Rome Statute of the International Criminal Court:

1. For the purpose of this Statute, "Crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

(b) Extermination

2. For the purpose of Paragraph 1:

(b) " "Extermination" includes the intentional infliction of conditions of life, *inter alia* the deprivation of access to food and medicine, calculated to bring about the destruction of part of the population;"

The penalty for this would be:

"a term of life imprisonment..." (Article 77)

in addition to

the crime of Genocide according to Article 6(c) of the Rome Statute of the International Criminal Court:

For the purpose of this Statute, "genocide" means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

The penalty for this would be:

"a term of life imprisonment..." (Article 77)

With reference to such crimes as the above, as had been committed before the Rome Statute of the International Criminal Court came into force in 2002, liability to punishment is based on the Convention on the Prevention and Punishment of the Crime of Genocide, promulgated in 1948 and put into force in 1951, as well as on Customary International Law.

### **Particulars concerning the accused and the nature of the criminal liability involved**

Under present consideration are a number of personages, governments and organisations which have most evidently made themselves extremely culpable under Article 6 and/or 7 of the Rome Statute of the International Criminal Code as well as under the Convention on the Prevention and Punishment of the Crime of Genocide of 1951 and Customary International Law.

Owing to the exceeding diversity of the perpetrators listed here, the state and extent of knowledge in connection to the crime involved, the degree of premeditation, in addition the forms of perpetration or participation of the principals and/or secondary parties to the crime, and the nature of the criminal liability involved, it is only possible to present a selection of numerous single pieces of evidence.

It is incumbent upon the Public Prosecutors General of all UN member states, in addition to the Public Prosecutor's Office at the International Court of Justice at The Hague, to immediately open an extensive criminal investigation in order to much more precisely define and identify the perpetrators concerned, in addition to the respective state and extent of their knowledge of the crime, as well as the degree of premeditation and forms of perpetration.

The present account is meant to throw light on the fundamental structures of perpetration and culpability involved.

It should be noted at this juncture, that even if the present complaint breaks relatively new ground, existing decisions of the highest courts establish sufficient precedent to determine that the forms of perpetration submitted here are liable for a trial in a court of justice.

In this connection, malicious intent, according to Articles 6 and 7 of the International Criminal Code must not necessarily be involved. On the contrary, the presence of conditional intent shall suffice (14 Münch-KommStGB/Werle 3.Aufl., § 7 VStGB Rn 43ff, 14 Münch-KommStGB/Kreß 3. Aufl., § 6 VStGB Rn 78ff - 14 Munich Legal Commentary on the German Penal Code by Werle, 3rd edition, Article 7 of the Rome Statute of the ICC, recital 43ff, 14 Munich Legal Commentary on the German Penal Code by Kreß, 3rd edition, Article 6 of the Rome Statute of the ICC, recital 78ff).

This is also clearly established in Article 30 Paragraphs 2(b) and 3 of the Rome Statute:

2. A person has intent where ...  
 (b) In relation to a consequence, that person means to cause that consequence or is aware that it will occur in the ordinary course of events.
3. ... "knowledge" means awareness that circumstances exist or a consequence will occur in the ordinary course of events....

This very clear definition of intent and knowledge, the criminal nature of an attempt, as well as the criminal nature of the perpetration of omissions is, in the face of a subject so worthy of protection as the preservation of human life and of ethnic diversity – even more paramount, the preservation of the entire human species – in addition to the classification of the criminal offence as an "offence of abstract endangerment" (ibid. recital 7) are all exceedingly appropriate and germane to the legal validity of the present accusations.

Alternatively, it is important to note that the genocides committed against the Armenians by the Ottoman Empire in 1911, against the Herero and Nama in German South West Africa (present day Namibia) by the German Empire in 1914 – 1918, as well as the genocide committed against millions of Jews and other minorities by the Nazis in 1941 – 1945, were only designated and condemned as acts of genocide after the fact, although at the time these crimes were committed, genocide did not constitute a statutory offence, then it was only in 1947 in the course of the Nuremberg trials, that genocide was recognized as a crime.

In principle, the Convention on the Prevention and Punishment of the Crime of Genocide of 1948 (1951) and Customary International Law can also provide sufficient legal basis for the time period to be subjected to criminal investigation from 1946 onwards.

In light of the present, by far larger scale of genocide concerned, that is to say a "global genocide" involving all of humankind – currently approx. 7.6 billion people of all ages – very

extensive and appropriate assessments of the legal and factual situations is accordingly of absolute necessity in possible cases of doubt.

The corresponding penalty stipulated by law for individual persons is life imprisonment.

Multinational corporations can also be considered to be perpetrators liable to the duty to perform under International Law as well as the Paris Agreement.

Then multinational corporations are now generally recognised under International Law as legal entities with rights and obligations. The rights and obligations notably derive from the United Nations Charter and the Universal Declaration of Human Rights.

In acknowledgement of accountability and social responsibility under International Law, notably also in the case of the accountability of multinational corporations to global civil society, the former late General Secretary of the United Nations, Kofi Annan, initiated the so-called "United Nations Global Compact" at the World Economic Forum at Davos in January 1999, which was promulgated as centrepiece of social sustainability for all subsequent international economic negotiations and definitions of tasks.

Apart from that, it is indeed only the governments of the UN member states, which have been explicitly designated as subjects liable to duty to perform under the Paris Agreement.

The solution of the problem of the imminent extinction of humankind agreed upon in the Paris Agreement nonetheless involves the swiftest possible abatement of CO<sup>2</sup> emissions down to zero by 2050 by means of a pre-eminently expedited process of decarbonisation of the global economy with, most notably, the swiftest possible termination of the activities of the world's fossil fuel industries (including the automotive industry with respect to fossil fuels) or their complete transition to the use of renewable energy sources.

Most notably, very central to the matter in this connection, is the role of companies of the fossil fuel and automotive sectors as the predominant polluters as specified in the Paris Agreement.

In addition to this, the aforementioned companies can also be considered to be not only perpetrators of crimes of omission, or as "aggressive" perpetrators of crimes of commission but also even instrumentalities of such offences, playing a double role on the basis of an established predominant non-compliance of their duties to perform in addition to their persistent causation of the CO<sup>2</sup> emissions which stand to destroy all life on our planet.

To this effect, the established and operating commercial enterprises of the entire fossil fuel industry, especially including the fossil fuel resources still in the ground and claimed by these enterprises, as well as the established and operating commercial enterprises of the automotive industry besides all vehicles in circulation with motors running on fossil fuels, can also be classified as instrumentalities.

As instrumentalities, already alone on the basis of their activities which persistently and grievously harm the very basis of the existence of humankind, the companies of the fossil fuel industry and the automotive industry are subject to expropriation, pursuant to the worldwide, similarly applicable penal provisions concerning forfeiture and confiscation (Article 73 ff of the German Penal Code – the StGB). The assets of the companies and their proprietors and Chief Executive Officers are likewise subject to punitive confiscation. (Also see Craig Gaumer; Assistant United States Attorney; Southern District of Iowa (November 2007). ["A Prosecutor's Secret Weapon: Federal Civil Forfeiture Law"](http://www.justice.gov/sites/default/files/usao/legacy/2007/12/21/usab5506.pdf) /www.justice.gov/sites/default/files/usao/legacy/2007/12/21/usab5506.pdf)

Such companies are to be placed under UN receivership in collaboration with the UN member states involved, with the aim of initiating liquidation proceedings or fundamental restructuring, in order to assure that in the event of a continuation of their operations, the extreme danger they would otherwise pose to the world population shall be prevented swiftly and effectively.

And it is also only in this manner that, for one thing, the expropriated assets can be put to constructive use in averting the damage caused by global warming and, in addition to this, invested in the swiftest possible worldwide development of power schemes based on renewable energy sources.

For the reasons stated below, it is also necessary to investigate, if on account of the conjoint and decades-long denial of climate change and its cause, (being, among other things, CO<sup>2</sup> emissions, particularly from automobiles, lasting to the present day,) organized by, among other perpetrators and most notably by the American Petroleum Institute (API) or all its members, the aforementioned perpetrators and hold them accountable for an inordinately severe and gravely dangerous **violation of the "Sherman Antitrust Act"**, which is gravely detrimental to the global community and world economy.

As a legal consequence, the break-up of the trusts involved is to be considered; in addition to immense compensation claims levelled at all the constituent members concerned.

It should also be worth considering penalising the denial of anthropogenic climate change in the same manner as Holocaust denial is penalised, i.e. with a high penalty.

On the other hand, it will only be possible under a receivership by the United Nations conducted in collaboration with the UN member states involved, to guarantee a swift and stringent decarbonisation process for the industry concerned or, alternatively, a swift reorganisation to a global producer of exclusively renewable energy.

Apart from that, the application of regulations involving forfeiture and confiscation pursuant to Articles 73 ff of the German Criminal Code (StGB - Strafgesetzbuch) to automobiles powered by fossil fuels is worth considering among yet other things.

### **The List of the Accused:**

#### **1. The American Petroleum Institute (API) and all its member companies and all the Chief Executive Officers of these companies from 1946 to the present day**

The members of the API are primarily companies of the fossil fuel sector. As already stated, they have, since 1946, conjointly deceived the public concerning the danger, already secretly known to them, posed by car exhaust fumes, in order to thwart regulation. It was from 1957 at the latest, when this practice was extended to include their knowledge, likewise kept from the public, of the causal structure between CO<sup>2</sup> emissions and the phenomenon of increasing global warming or climate change, in addition to the massive threat to the survival of the world population prognosticated for around 2030.

As a result, in the past six decades, they, as polluters and actual originators of this global threat, made no effort to avert it, but quite the contrary, even increased the danger grievously, in a manner that is absolutely delinquent and highly criminal.

They persisted in vehemently attacking the efforts of the Intergovernmental Panel on Climate Change (IPCC) and in impeding the conclusion of a saving United Nations climate action agreement for years, if not decades.

They ignore to the greatest possible extent, the absolutely imperative enactment of the Paris Agreement, and, as a matter of fact, it can be assumed that they support the arrangement of an effective obstruction of this agreement by means of (later) bilateral or multilateral free trade treaties. Further details in this connection are set forth in the section dealing with the circle of perpetrators in the European Commission.

Two further suspects, Robert Murray and Robert Meyer, may also be members of the API. They have, as explained further below, submitted two action plans for the President of the United States, Donald Trump, whose pivotal demands involve the immediate withdrawal from the COP 21 Paris Climate Accord (the Paris Agreement), in addition to the dismantling of climate action legislation and the evisceration of environmental agencies, measures which have already largely been implemented according to instruction.

The fact that the members of the API as well their Chief Executive Officers have made themselves culpable of crimes against humanity and genocide is clearly evident.

## **2. The Royal Dutch Shell Corporation and all its Chief Executive Officers from 1946 to the present day**

The Royal Dutch Shell Company not only played a pivotal role but was also a driving force to the activities of the API.

In this connection, the comprehensive Shell Report of 1986/88 can be cited as evidence. With this, the Royal Dutch Shell also indicates its own key, leading position in the research and knowledge of climate change and its disastrous consequences for humankind.

As one of the leading and most lucrative oil companies worldwide, Royal Dutch Shell with its CEOs played a leading role in the extremely criminal destruction of the basis of humankind's existence and has thus, made itself, beyond doubt, culpable according to the International Criminal Code.

## **3. Exxon (Standard Oil of New Jersey), its Chief Executive Officers from 1946 till 1999**

See 5.

## **4. Mobil Oil (Standard Oil Company of New York), its Chief Executive Officers from 1946 till 1999**

See 5.

## **5. The ExxonMobil Corporation together with its Chief Executive Officers from 1999 to the present day**

ExxonMobil and its legal predecessor, the Standard Oil Company and the family of its proprietors, the Rockefellers, played another pivotal role and also served as driving force behind the activities of the API after Standard Oil's state-directed break-up in 1911. The two companies resulting from that break-up, Esso (later Exxon) and Mobil Oil, reunited in a merger which took place in 1999. Follow the link below to find a surprisingly detailed account of the history of the company in Wikipedia:

<https://en.wikipedia.org/wiki/ExxonMobil>

With reference to the aforementioned "Exxon Memo" of 1981, concrete knowledge of global warning, kept secret from the public, is clearly evident.

What's more, ExxonMobil had been denying climate change persistently for decades, most recently in explicit and insistent fashion by the long-standing and until 2016 acting Chief Executive Officer, Rex Tillerson, who was United States Secretary of State from 1 February 2017 till 31 March 2018, in his own words, in the television documentary by Johan von Mirbach (see p. 6).

Even though, at latest, on the basis of the Paris Agreement, notably owing to the commitment to immediate and drastic decarbonisation stipulating that all as yet unextracted deposits of fossil fuel are to be left in the ground, ExxonMobil blatantly and uninhibitedly flouts this commitment by persisting in extracting fossil fuel resources to an immeasurable extent, while planning to open even more vast oil and gas fields (see below).

The ExxonMobil Corporation and its CEOs have thus, evidently made themselves culpable of the crimes identified in this document.

## **6. Rex Tillerson, former United States Secretary of State and former ExxonMobil Chief Executive Officer**

Even though, at latest, on the basis of the Paris Agreement, notably owing to the commitment to immediate and drastic decarbonisation stipulating that all as yet unextracted deposits of fossil fuel are to be left in the ground, ExxonMobil blatantly and uninhibitedly flouts this commitment by persisting in extracting fossil fuel resources to an immeasurable extent.

Besides that, Rex Tillerson has forged concrete plans to exploit the oil under the Kara Sea, a large-scale project that he planned in 2011 together with the president of the Russian Federation, Vladimir Putin and Igor Sechin, the Chief Executive Officer of the Russian oil company, Rosneft.

In this connection, a corresponding communication, expressly cited here, was submitted to the International Criminal Court on 2 February 2017 by the undersigned on account of global genocide, the criminal complaint concerned also being made against United States President Donald Trump, Vladimir Putin and Igor Sechin.

Additionally, yet another criminal charge levelled at Rex Tillerson in a communication dated 17 April 2017 was filed with the International Criminal Court in connection with the publicly declared withdrawal from the Paris Agreement for which he is held jointly culpable in his capacity as United States Secretary of State. This communication is likewise expressly referred to.



The repeated attempts to lift sanctions imposed on Russia show that Rex Tillerson was given his position of Secretary of State first and foremost to enable him to push through the exceedingly large-scale Kara Sea oil deal in extremely criminal fashion, this project poised to give humanity the fatal blow, owing to its vast scale.

Thus, Rex Tillerson proves to be one of the pivotal figures in connection with the crimes under International Law cited in this document.

### **7. Vladimir Putin, President of the Russian Federation**

See 6.

### **8. Rosneft together with its Chief Executive Officer Igor Sechin**

See 6.

### **9. The Stanford Research Institute**

The Stanford Research Institute has made itself culpable of complicity with the crimes reported here, as shown in the television documentary by Johan von Mirbach (see p. 6) which presents corroboratory proofs and evidence. Acting upon the instructions of the API, the Stanford Research Institute materially mitigated the "Robinson Report" it was tasked to create, evidently against better judgement, with the apparent objective of deceiving the public with respect to the extent of global warming and its catastrophic effects upon the very basis of the existence of the world population.

### **10. Robert E. Murray**

On the basis of the television documentary by German TV magazine, 'Monitor', entitled "Klimawandel und Sommerhitze: die Gegner" (Climate Change and Summer Heat Wave: the Adversaries) which is presented here as evidence.

<https://www.ardmediathek.de/tv/Monitor/Klimawandel-und-Sommerhitze-Die-Gegner-/Das-Erste/Video?bcastId=438224&documentId=55162468>

Robert E. Murray, through his Murray Energy Corporation, probably the largest coal company in the USA, submitted his "Action Plan for the Administration of President Donald J. Trump" on 1 March 2017 by the agency of Vice President Michael Pence.

Kindly see:

<https://www.whitehouse.senate.gov/imo/media/doc/Murray%20Action%20Plan.pdf>

This document calls for the abolition of former US President Barack Obama's Clean Power Plans under item 1. and the withdrawal from the Paris Agreement under item 4.

Apart from that, a termination of all subventions for renewable energy sources as well as the abolition of coal taxation is called for.

In addition, massive cuts in personnel in the EPA and a repeal of the cross-state air pollution rules were called for.

This plan containing a total of 16 points, demands the virtually complete elimination of climate action and climate justice legislation, the "liberation" of the fossil fuel

industries from all regulation and taxation, as well as the subsidisation of so-called "clean coal technologies".

With this, Robert Murray evidently attempts to turn back the clock of science in contravention of objective scientific findings concerning the life-threatening process of global warming caused by burning fossil fuels, thus flouting and voiding United Nations resolutions made to protect the world population from extinction.

More than this, in this fashion, Robert Murray treats the sovereign rights of both the US Congress and the US Senate in a manner that is profoundly unconstitutional.

This procedure is strikingly reminiscent of the secret "wish lists" – lists of demands – of global corporations, which, it can be reasonably assumed, are presented during the negotiations of the so-called free trade agreements in the course of the extensive secret talks involved, such agreements actually counteracting the far more overriding interests of the common good and the UN guaranteed basic personal and social rights of civil society. More, these agreements are imposed and enforced while circumventing and eliminating the sovereignty of national parliaments in a ruthless manner, in violation of basic human rights, constitutional rule and International Law, cementing legally enforceable, special, contractually guaranteed rights and prerogatives granted to multinational companies.

On the basis of this list of corporate demands submitted to President Trump, Robert Murray has made himself seriously culpable of crimes against humanity and genocide, in addition to being obviously prompted to do so by the ulterior motive of personal enrichment through an ever increasing and unceasing process of profit maximisation.

All his assets are to be confiscated.

## **11. Murray Energy Corporation**

See 10.

In this light, the Murray Energy Corporation is to be nationalised and liquidated under UN receivership or restructured into a company for the generation and supply of renewable energy.

## **12. Robert Mercer**

In a fashion similar to Robert Murray's, Robert Mercer promptly presented his own "Action Plan For President Trump" on 21 November 2106, only a few days after Donald Trump's election to the office of President, by the agency of his Mercer Family Foundation and the Heartland Institute, which is sponsored by himself and ExxonMobil.

This is likewise exposed in the aforementioned television documentary by 'Monitor' entitled "Klimawandel und Sommerhitze: die Gegner" (Climate Change and Summer Heat Wave: the Adversaries)

<https://www.ardmediathek.de/tv/Monitor/Klimawandel-und-Sommerhitze-Die-Gegner-/Das-Erste/Video?bcastId=438224&documentId=55162468>.

The document itself can be found using this link: <https://www.heartland.org/topics/government-politics/trump-action-plan/index.html>  
 In a fashion similar to Robert Murray's, Robert Mercer also demands a withdrawal from the Paris Agreement under item 2.

As a matter of fact, the other demands with respect to the abolition of climate protection action most strongly resemble in subject matter and strategic thrust and the danger they pose the world, Robert Murray's list of demands.

Apart from that, Mercer similarly articulates demands for deregulation in the education, budget, tax and health sectors, even going so far as to call for "constitutional reform".

Even this is also strongly reminiscent of the secret list of demands presented by the business sector in the course of the furtive negotiations of the so-called "free trade agreements", most notably because of the clandestine call for "constitutional reform" in favour of multinational corporations and to the grievous detriment of public welfare and the basic rights of civil society.

It is very striking and even ominous, that in the document, the Heartland Institute had seen it fit to tick off virtually all demands under the "Energy and Environment" section with a "done" in parentheses.

This leads to the reasonable assumption that, quite evidently and irrefutably, the demands of the corporations were met by United States President Donald Trump to an almost full extent, with extraordinary speed and in most cases, without due involvement of the US Senate and/or US Congress.

On the basis of this list of corporate demands submitted to President Trump, Robert Mercer has made himself seriously culpable of crimes against humanity and genocide, in addition to being obviously prompted to do so by the ulterior motive of personal enrichment through an ever increasing and relentless process of profit maximisation.

All his assets are to be confiscated.

### **13. The Mercer Family Foundation**

See 12.

In this light, the Mercer Family Foundation or the private assets of the Mercer family are to be nationalized or confiscated and these assets used to form, under UN receivership, a company for the generation and supply of renewable energy.

### **14. The Heartland Institute**

See.12.

The Heartland Institute is to be dissolved on account of blatant and systematic denial of climate change.

### **15. The President of the United states of America, Donald J. Trump**

On account of the President Trump's ruthless and swift fulfilment of Robert Murray's and Robert Mercer's demands for actions which are grossly in violation and in contravention of the constitution of the United States and International Law, most notably on account of the withdrawal from the Paris Agreement and the factual "annihilation" of US climate action legislation and environmental agencies he has implemented, President Trump has, beyond doubt, "made his mark" as one of the pivotal perpetrators of crimes against humanity and global genocide mentioned here.

In this connection, a number of communications to the International Criminal Court concerning genocide and crimes against humanity which have been filed by the undersigned in relation to the Kara Sea Oil Deal (2 February 2017), on account of the repeal of the Clean Power Acts and bolstering the fossil fuel industry (28 March 2017), on account of the announcement of the withdrawal from the Paris Agreement (17 April 2017) and occasioned by the demand for a renegotiation of the Paris Agreement (26 April 2018) are cited.

The appointment of the then acting Chief Executive Officer of ExxonMobil, Rex Tillerson to the office of United States Secretary of State, the announcement of the withdrawal of the United States from the Paris Agreements made already during his election campaign, the repeated attempts to lift the sanctions against Russia, the flagrantly comprehensive repeal of climate action and climate justice legislation and the massive revitalisation of the fossil fuel industry undertaken by Donald Trump, in addition to the many other disclosures by Robert Mueller, special Counsel for the United States Department of Justice, can lead to only one conclusion, that Donald Trump has become President of the United States, first and foremost, with the mission and the objective of pushing through, together with the Russians, the gigantic ExxonMobil/Rosneft Kara Sea Oil Deal by any means possible, this project posing an immense threat to humankind.

On these grounds, Donald Trump has, beyond doubt, made himself culpable to the highest degree, of crimes against humanity and global genocide, his malicious intent is obviously absolute and his motives ulterior.

This alone would provide sufficient grounds for impeachment, simply on account of the penalty of life imprisonment he is liable to under International Law.

In addition to this, all his assets are to be confiscated.

By the same token, he has most obviously made himself culpable of high treason before the constitution and the people of the United States of America.

#### **16. The Vice President of the United States, Michael Pence**

see 15.

In his role as Vice President of the United States, Michael Pence has made himself culpable of the same crimes, to the same degree as President Donald Trump.

#### **17. The former Administrator of the United States Environmental Protection Agency (EPA), Scott Pruitt**

See 15., 12. and 10.

In his former role as administrator of the United States Environmental Protection Agency (EPA), Scott Pruitt has likewise been identified as a perpetrator in the aforementioned communications to the ICC.

He did not only play a similarly pivotal role in the withdrawal from the Paris Agreement, but also in the flagrant dismantling of climate action and climate justice legislation, for which he can be held personally accountable.

Even he has made himself culpable of crimes against humanity and global genocide in particularly grievous fashion, prompted by ulterior motives.

All his assets are to be confiscated.

### **18. The current Administrator of the United States Environmental Protection Agency (EPA), Andrew Wheeler**

see 17.

As current successor of Scott Pruitt, he can be held personally accountable for the course of action initiated by Scott Pruitt, which is in contravention of International Law.

In his new position as Administrator of the EPA, he has yet to reveal that he intends to change the current "policy of environmental annihilation" pursued by his office in the slightest.

He has likewise made himself culpable of crimes against humanity and global genocide.

All his assets are to be confiscated.

### **19. The United States Secretary of Energy, Rick Perry**

See 18., 17., 16., 15., 12., 10.

As acting United States Secretary of Energy, he has likewise, beyond doubt, made himself personally culpable of crimes against humanity and global genocide.

All his assets are to be confiscated.

### **20. The Attorney General of the United States, Jeff Sessions**

See 19., 18., 17., 16., 15., 12., 10.

As acting United States Attorney General, he has likewise, beyond doubt, made himself personally culpable of crimes against humanity and global genocide.

All his assets are to be confiscated.

## **21. Member of the U.S. House of Representatives, Michael Conaway**

In Johan von Mirbach's television documentation entitled "Die geheimen Machenschaften der Ölindustrie" (The Secret Machinations of the Oil Industry) of 12 November 2017 (aired on 24 August 2018),

<https://www1.wdr.de/fernsehen/die-story/sendungen/die-geheimen-machenschaften-der-oelindustrie100.html>

Michael Conaway is identified as an active, public, high-profile climate change denier spreading his message from his office of US Congressman, while at the same time, recipient of considerable donations from staff of the fossil fuel industry. On these grounds, a culpable complicity comes into question.

All his assets are to be confiscated.

## **22. Member of the U.S. House of Representatives, Fred Upton**

see 21.

## **23. The former Prime Minister of Australia, Malcolm Turnbull**

As Prime Minister of Australia, he committed multiple and exceedingly flagrant violations of the Paris Agreement.

Most notably, he personally advanced and politically supported the inception and implementation of the new Carmichael Mine as one of the largest coal mines in the world near Abbot Point/Great barrier Reef in Queensland.

Operator of this mine is the Adani Group of India. (see 24.)

At the same time. Turnbull seriously slashed official financial support for the renewable energy sector.

A communication to the International Criminal Court that was filed on 24 November 2017 by the undersigned in this connection is accordingly cited.

Malcolm Turnbull has consequently, likewise made himself grievously culpable of crimes against humanity and global genocide. His assets are to be confiscated.

## **24. The Adani Group of India, and its Chief Executive Officer, Gautam Adani**

see 23.

The assets of the Adani group are to be confiscated in this connection.

## **25. The Members of the European Commission (EC)**

a) Non-compliance with the Paris Agreement:

According to an article in the German news magazine *Der Spiegel* dated 2 March 2016, the European Commission balks at setting more rigorous climate targets despite the Paris agreement. The EC intends to keep the (sooner much more lenient) goals it set in 2014 and not, as stipulated by the Paris Agreement and demanded by the public.

This is compounded by the fact that climate goals of 2014 are geared to a mere 2-degree temperature limit to global warming. Simply on the basis of the 1.5°C temperature limit stipulated by the Paris Agreement, the EC climate goal must be raised to a considerable extent.

Apart from that, the decarbonisation of the energy industry must be initiated as swiftly and vigorously as possible, if the 1.5° goal is still to be attained at all.

In the preliminary stages of the UN climate change conference in Paris, the European Union played a leading role and threw its full weight to delegating the task of developing climate action targets to national climate action plans to be drawn up later, thus effectively preventing the elaboration and resolution of concrete national targets in the course of the conference itself. Now, when the EU Commission itself duplicitously disallows the procedure it had propounded involving subsequent creation of national climate action plans with goals which are as ambitious as possible, it is not only acting scandalously but committing a wilful violation of the Paris agreement.

Alone with the ratification of the Paris Agreement by the EU Parliament, a procedure which it ostensibly espoused, the EU Commission consequently makes itself obviously culpable of fraudulent misrepresentation before all to see, on the international stage, when avowedly, the EU Commission does not intend to fulfil the Paris Agreement.

The newly announced plans to raise climate goals remain to be verified.

a) Obstruction of the Paris Agreement:

The grounds for the above fraudulent misrepresentation and the refusal of the EU Commission to commit itself to the institution of more far-reaching climate action measures, such as the swift decarbonisation of the economy are obviously the ongoing and, with regard to content, partly concluded negotiations of the predominantly clandestine negotiations of the new generation of so-called free trade treaties such as TTIP, CETA, JEFTA and TiSA.

In effective contravention of the Paris Agreement which was concluded as a global economic accord to save the world, the free trade agreements CETA, JEFTA, TTIP, MERCOSUR and TiSA now stand to be concluded.

Already the formalities alone, within the framework of which these agreements are planned to be concluded, are objectionable, as the European Court of Justice (ECJ), the supreme court of the European Union, has ruled in the case of the EU – Singapore free trade agreement (EUSFTA), among other things, that the arbitration clause stipulating investor-state dispute settlement by means of private and secret courts of arbitration contravenes EU legislation.

Consequently, the EU simply separated the arbitration clause stipulating investor-state dispute settlement by means of private and secret courts of arbitration, from the all other free trade agreements concerned (that is also planned for CETA) to allow the EU to reclassify these agreements as EU – only agreements. With application of this technicality, the arbitration clause which contravenes EU legislation will simply be passed later as an isolated measure, in an unobserved moment, well out of the public

eye, with only slight, insignificant modifications, thus granting multinational corporations the right to claim exorbitant compensations from EU member states and the means of applying strong-arm tactics to combat and effectively thwart all efforts of these nations to regulate them.

Quite surprisingly, the EU-only classification – with reference to the Lisbon Treaty of 2009 – does not adequately take into consideration the import and the legal implications of the fact that the EU member states have been granted by the Paris Agreement of 2015 an intrinsic and encompassing jurisdiction under International Law, to regulate the entire scope of climate protection actions for all sectors of their respective national economies in direct and intrinsic accountability to the UN.

Another important fact to consider is that even the EU itself is obligated by the Paris Agreement, in the same manner as the EU member states, to fulfil the agreement's climate action goals.

Furthermore, there is no possibility of "delegation" or "transmission" of this new national "duty of economic transformation and carbon regulation" by the EU member states to the EU under the Paris Agreement.

Article 4, Paragraphs 2 (National Climate Action Plan) and 16 to 18 of the Paris Agreement clearly point out that each UN member state remains responsible for its national contribution to global climate action, even within the framework of cooperative economic action.

In addition to this, the Lisbon Treaty (as basis for cooperative economic action in the European Union) does not, to any extent whatsoever, authorize the EU Commission to interfere, much less violate the constitutions of the EU member states.

The EU Commission's actions in the course of negotiating, approving and pushing the adoption of the aforementioned trade agreements, placing extraneous, undemocratic bodies above the EU member states' democratically-elected legislative bodies as well as public trade courts, are seriously and criminally in breach of the Lisbon Treaty and the constitutions of the EU member states.

The bodies concerned are the "regulatory committees" and the "courts of arbitration". They are run or staffed by corporate agents, hold sessions in secret, and effectively usurp the intrinsic legislative and judicial power and sovereignty of national parliaments and judicial systems in favour of allowing the multinationals to impose their corporate agendas. All the while they circumvent and effectively abolish the rule of law and democracy.

Ultimately, it is not the EU, but only the national parliaments themselves, who are invested with the right, anchored in their sovereign, respective national constitutions, to either *relinquish* their power and their legislative prerogative, whole and entire, to the "committees" or "tribunals" of the "arbitration clauses" smuggled under the public's noses in the Trojan horses that are the "free trade treaties" – or, by the same token, to quite understandably *decline* to do so.

In the light of the aforementioned legal facts embodied by the Paris Agreement and the Lisbon Treaty, all these new bilateral or multilateral economic and trade agreements concluded with the EU are not EU-only agreements but so-called mixed agreements.



On these grounds, all the aforementioned agreements should be subject not only to the transparent, public and active deliberation and contribution of the respective national parliaments as regards their content, but also to the ratification or, as the case may be, rejection by the parliaments of all EU member states.

Both the aforementioned requirements have, up to now, been culpably and punishably flouted not only by the European Union, but also by the European Commission and the governments of the EU member states.

The EU-only classification of the so-called free trade agreements undertaken by the European Union is, in consequence, likewise an act of obstruction of the Paris Agreement.

Irrespective of the obviously illicit manner of negotiation and process of resolution involved, this new generation of free trade agreements contain, in addition – as if nothing had happened – virtually unchanged, an extensive and unfettered deregulation aimed at the elimination of the global economy's "trade barriers" as well as the outrageous usurpation of the power and sovereignty of national parliaments in their role of legislative bodies, required to enforce the aforementioned deregulation. All this serves to advance the cause of even more uninhibited, even more exorbitant, corporate profits to the grave detriment of climate protection, of the public welfare and the very survival of the global community.

It is also worth noting that the international investors desire, if only for the sake of making maximum short-term profits, to hinder the worldwide adoption of the decarbonisation of the economy and correspondingly bring immense pressure to bear on the EU Commission to conclude the planned neoliberal free trade agreements of the old school with total disregard of the new and superordinate Paris Agreement.

It is thus imperative for the world community to prevent the adoption of the TTIP, CETA, JEFTA, TPP and TiSA free trade agreements, as they quite obviously violate the objectives of the Paris Agreement by relinquishing the fundamental precedence of the interests of public welfare and the citizens in favour of prioritising commercial interests.

In this light, the Paris Agreement is the first worldwide UN economic treaty, which, in contrast to the free trade agreements, explicitly places the interests of public welfare, most notably the interests of the survival of the human race, above the interests of the industrial sector which persists in maximising private profits to the greatest extent possible.

The bilateral or multilateral neoliberal free trade agreements CETA, JEFTA, NAFTA, TTIP, TPP, MERCOSUR and TiSA etc. are thus, right from the outset, fundamentally in contravention of the Paris Agreement, which is superordinate to the free trade agreements under International Law, and, as far as content is concerned, by far more important, as it serves to secure the survival of humankind. More, the free trade agreements violate the principles and objectives of the Paris Agreement in most grievous manner.

In addition to this, such free trade agreements as CETA, JEFTA, NAFTA, TTIP, TPP, MERCOSUR, TiSA etc., are in flagrant violation of the UN Charter and the Vienna Convention on the Law of Treaties (VCLT) and the constitutions of all nations party

to these agreements, as they involve the institution of a level of jurisdiction placed above that of the national parliaments and public trade courts in the form of the so-called "regulatory committees" or "courts of arbitration" which are meant to be staffed by agents of the global corporate sector, thus assuring that these bodies rule in favour of corporate interests and against the common good, as they demonstrably do.

As a consequence, legislation oriented to upholding the public welfare and, particularly, legislation effecting the implementation of the ambitious Climate Action Plan for 2050 to be enacted by the national parliaments, would then be rendered impossible, as the corporate sector, which should otherwise be regulated to benefit climate protection, will be enabled to usurp the prerogative of legislation by means of the "regulatory committees" and "courts of arbitration" which will obviously decline to rule in favour of the regulation of the said corporate sector, thus, figuratively speaking, putting the fox in charge of the henhouse.

To ensure the adoption and enforcement of ambitious legislation for effective climate protection, it is consequently, fundamentally imperative to preserve the rule of democracy in Europe and the rest of the world. For this reason, it is indispensable to avert the neoliberal free trade agreements such as CETA, JEFTA, NAFTA, TTIP, TPP, MERCOSUR, TiSA, etc.

It is possible that the highest court of Germany, the Federal Constitutional Court (Bundesverfassungsgericht) will soon rule the qualified unconstitutionality of the CETA free trade agreement and on these grounds prohibit its application, in particular, its provisional application. The constitutional complaint was filed by 193,105 German citizens acting as co-litigators in the largest three class-action suits in German history.

A possible constitutional complaint against JEFTA along similar lines is being considered.

The intention of these so-called free trade agreements to commit obstruction is strikingly apparent, as can be seen below.

In Chapter 16 of the JEFTA agreement entitled "Trade and Sustainability", under item No. 4 "Multilateral Environmental Agreements", No. 5 (Chapter 16.4 No.5):

"5. Nothing in this Agreement prevents a Party from adopting or maintaining measures to implement the multilateral environmental agreements to which it is party, provided that such measures are not applied in a manner that would constitute a means of arbitrary or unjustifiable discrimination against the other Party or a disguised restriction on trade."

Since any climate protection measure, most notably, the restriction or revocation of existing concessions and the non-issuance of new ones for the extraction of oil, coal or gas, may be considered to be "arbitrary or unjustifiable discrimination" or "a disguised restriction to trade", this clause just opens the floodgates to the complete obstruction of climate protection measures indispensably crucial to the survival of mankind.

As already mentioned above, the EU itself is obligated to undertake the most assiduous and energetic fulfilment the Paris Agreement. And what could be a better

opportunity to implement a "decarbonisation and transformation of the global economy" than to enshrine this endeavour in a multilateral trade agreement!

But in sad reality, not even the already existing national climate action plans of the EU member states have been adopted as part of any trade agreement.

**Though decarbonisation and the transition to the use of renewable energy sources need to be made two paramount goals of any new trade agreement, they are not only wholly ignored, they are even drastically ruled out, as can be currently seen with JEFTA.**

In accordance with this, the EU member states, their respective constitutional courts and even the United Nations are called upon to outlaw CETA, JEFTA, NAFTA, TTIP, TPP, MERCOSUR, TiSA etc. as being grievously in violation of the Paris Agreement and/or declare these agreements null and void, prohibiting their application.

In accordance with this, it is not only the states taking part in the free trade agreement negotiations but also their respective constitutional courts and even the United Nations who are called upon to outlaw CETA, JEFTA, NAFTA, TTIP, TPP, MERCOSUR, TiSA etc. as being grievously in violation of International Law and/or declare these agreements null and void, prohibiting their application.

In view of the fact that the global community is actually now faced with two serious threats posed by unjustifiably ruthless Neoliberalism, namely the attempted obstruction of climate protection and climate justice efforts all over the world by thwarting the Paris Agreement, in addition to the abolition of democratic rule by means of CETA, JEFTA, NAFTA, TTIP, TPP, MERCOSUR, TiSA, etc., an explicit United Nations resolution is imperative for the survival of the world population, in order to replace the system of Neoliberalism worldwide with a new, democratic economic order oriented towards public welfare and climate protection and not, as it currently is, geared to ruthlessly ensuring corporate profits above all.

It would make sense to model this new global economic order on the European social market economy which has been highly successful for many decades.

This economic system, though patently capitalist in nature, nonetheless explicitly features a social orientation towards the public welfare in lieu of the ruthless maximization of private profits which characterise unbridled "turbo-capitalism".

A social market economy is an economic system which unites in ideal fashion the two fundamental aspirations of humankind, namely, safeguarding public welfare and pursuing mutually gainful economic activity.

On these grounds, the United Nations should declare as new worldwide economic order, the social market economy, as "global social market economy".

The Paris Agreement can actually be considered to be the first step towards a new, social, public welfare and climate protection oriented global economy, vital for the survival of humankind.

The European Union constitutes the world's third largest economic power. In this light, the refusal of the European Union to advance active measures for saving our planet and ensuring the continued survival of humankind, notably incorporating the

decarbonisation of the global economy into the framework of the bilateral and multilateral agreements poised before imminent conclusion or under negotiation, like CETA, JEFTA, NAFTA, TTIP, TPP, MERCOSUR, TiSA etc., shall have disastrous effects on the ongoing process of global warming. Without the aid of the European Union, the global community will no longer be able to avert the forthcoming climate catastrophe.

Since the EU Commission already declared in March 2016 that they will no longer set higher climate protection targets, the governments of the individual EU member states have hardly adopted any more particularly ambitious climate action measures in their national climate action plans. The EU Commission's rejectionist attitude may thus also have disastrous effect upon the national climate action plans of the individual EU member states.

The EU Commission's refusal to adopt maximally ambitious climate action measures pursuant to the new Paris Agreement could actually lead to further disastrous effects, in that outside the European Union, yet other UN member states, especially those whose technological and financial capabilities may lag considerably behind those of the EU nations, will no longer have any incentive to fulfil their obligation to adopt ambitious climate action measures.

Apart from that, the categorical obstruction of the enforceability of the Paris Agreement by the adoption of the outrageously neoliberal, so-called free trade agreements by the EU could very quickly lead to the total breakdown of the Paris Agreement and thus, to a totally unchecked planetary climate catastrophe.

On account of their absolutely unjustifiable conduct, the members of the EU Commission thus make themselves manifestly culpable of crimes against humanity and ultimately, of global genocide.

In addition, they have made themselves culpable of high treason pursuant to Article 81 of the German Criminal Code. A communication to this effect that was filed by the undersigned on 5 October 2015 (17 June 2015) is cited.

## **26. The former European Commissioner for Trade, Karel de Gucht**

As former European Commissioner for Trade, he played a pivotal role in the elaboration of the so-called TTIP, CETA, etc. free trade agreements.

He is credited with the introduction of the "living agreement" clause, a novel contractual mechanism of the free trade agreements which is absolutely indefensible from a parliamentary and democratic perspective.

The clause precludes the contractual parties themselves from being empowered to amend, supplement or adapt the provisions of the contract to new circumstances and to subject the changes to parliamentary deliberation and ratification, as would actually be in accordance with the cornerstones of contractual law all over the world.

On the contrary, thanks to the so-called "regulatory cooperation" mechanism, the free trade agreement can be amended in all its parts and in all imaginable directions without any public discussion and oversight whatsoever, behind closed doors, in total secrecy, and these clandestinely elaborated amendments will then be legally binding

for the contractual parties and all the EU citizens and the citizens of the other contractual parties.

In this fashion, what is stipulated in the free trade agreements is now virtually irrelevant, because as soon as the agreements are concluded, they can be amended *ad libitum* – entirely as the multinational corporations see fit – whose lobbyists staffing the committees to be created as provided for by the living agreement, will in every respect, amend the free trade agreement drastically to the further detriment of the citizens to institute far-reaching "deregulation" and enforce unfettered corporate agendas.

To this effect, the minimum wage can be lowered or even abolished wholesale and health and safety measures at work and maternity leave, minimised. Food standards and healthcare can be drastically reduced and the water sector, privatized and, like all other sensitive sectors better left in the charge of a democratically elected government – fall into the hands of multinational corporations, etc.

Above all, in this vein, the fact that it will be practically impossible to implement the imperative decarbonisation of the respective national economies to safeguard the fundamental human needs of all humankind constitutes a grievous criminal offence as well as a massive obstruction to the Paris Agreement.

With this, Karel de Gucht has also made himself egregiously culpable of crimes against humanity and global genocide.

His assets are to be confiscated.

In addition, he has obviously made himself culpable of high treason pursuant to Article 81 of the German Criminal Code.

## **27. The Members of the European Council**

### **b) Obstruction of the Paris Agreement:**

The members of the European Council should have worked to ensure that the so-called free trade agreements CETA, JEFTA, MERCOSUR, TTIP and TiSA, etc., actually incorporate, support, and prioritise the implementation of the pre-eminently ambitious climate targets of the Paris Agreement, particularly the national climate action plans.

They should likewise have stood firm on the in-depth, context-related and public involvement of the national parliaments, with a view to effecting the implementation of the Paris Agreement at shortest possible notice and possibly even involving a coordinated collaboration across the full range of stakeholders.

They should have also decried the usurpation of the power and sovereignty of the national parliaments and the nature of these agreements of being adhesion contracts as effectuated by the arbitration clause of these free trade agreements, and refuse to support it with their approval.

They should likewise have never agreed to CETA and JEFTA not only on grounds of the absence of an active and comprehensive implementation of the Paris Agreement

but even more so because of the obvious and inherent nature of their grievous obstruction of the implementation of the Paris Agreement.

They should have pointed out the fact that the approval of the European Council alone will not suffice for an adoption of these agreements, but under appropriate observance of due process, require the additional ratification of all the parliaments of the EU member states.

They have thus also made themselves culpable of genocide in addition to high treason.

## **28. The Chancellor of the Federal Republic of Germany, Angela Merkel**

### a) Non-compliance

Even before the signing of the Paris Agreement, the German federal government had already set, for all intents and purposes, ambitious climate targets for 2020.

Immediately after the Paris Agreement was concluded, former German Federal Minister of the Environment, Barbara Hendricks, drew up an extraordinarily ambitious German climate action plan for 2050 to fulfil the Paris Agreement, with the inclusion of decisive suggested measures from citizens, communities, federal states and organisations.

This plan notably stipulated the decarbonisation of the German economy in addition to a complete transition to renewable energy sources by 2050. This applied especially to the German automotive industry. In addition, among other things, the plan includes the exceedingly sensible measure of halving meat production. For further details, kindly refer to a *Spiegel* article dated 30 June 2016 detailing how Merkel and others mentioned in this communication slashed Hendrik's plan. [www.spiegel.de/wissenschaft/natur/klimaschutzplan-2050-ausstieg-aus-der-kohle-doch-langsam-a-1100578.html](http://www.spiegel.de/wissenschaft/natur/klimaschutzplan-2050-ausstieg-aus-der-kohle-doch-langsam-a-1100578.html)

According to an article in the daily German newspaper, *Frankfurter Allgemeine Zeitung* dated 30 June 2016, Chancellor Merkel rejected this plan in most explicit and well-publicised fashion. By way of justification, Merkel's office, the Federal Chancellery, declared that it stood to be "clarified" whether the climate action plan actually necessitated an escalation of targets.

They go on further to state that, "it must be clear that a neutral attitude towards technology and an openness towards investments prevails, that today, it is consequently not up to officials to determine what type of technology would drive cars in 2030. Moreover, diverse options would have to be examined before adopting concrete measures, and then ecological, economic and social objectives coexist on equal terms with each other".

As a matter of fact, there was a fundamental consensus in the world community at the UN Climate Summit in Paris, that the ecological targets of climate action for saving the planet and humankind have absolute priority over other objectives, especially over economic or purely profit-oriented imperatives.

The Paris Agreement even adopted a third key area, which was that international investments were to flow into climate action measures as a matter of priority.

The national climate action plans stipulated by the Paris Agreement are to be constituted by measures, which, first and foremost, are inherently geared towards controlling and regulating the economy in accordance with climate protection, such as the targeted decarbonisation of the economy and the enactment of a transition to renewable energy sources. To this effect, the climate action targets so vital to our survival are supposed to be given absolute priority over economic objectives. The Paris Agreement in its entirety would otherwise make no sense at all and never be capable of being implemented.

Chancellor Merkel's assertion that climate protection targets are (only) on equal footing with economic objectives is quite simply and obviously incorrect! This statement contravenes the fundamental consensus of the world community!

As representative of Germany, Federal Chancellor Merkel not only enjoys a position of great prestige in the European Community as well as in the circle of UN member states, but also assumes a responsibility to use this position of leadership to best effect, to find feasible solutions to the world's urgent problems.

After all, it was Germany who virtually "invented" the "Energiewende" (German for energy transition), testing and implementing renewable energy technologies on a large scale, to the extent that Germany has shown proof of the feasibility of a global exit from nuclear power and fossil fuel.

The German "Energiewende" actually came to comprise an unequivocal global target of the Paris Agreement. When the German Chancellor now acts in contravention of the rigorous implementation of the Paris Agreement, which entails the swiftest possible decarbonisation of the economy, as well as against the forceful, further enactment of the globally acclaimed German "Energiewende", she is only inflicting unconscionable damage upon German industry and its potential for innovation.

The Chancellor's public and explicit repudiation of the exemplary, ambitious climate action plan prepared by Federal Minister of the Environment, Barbara Hendriks, constitutes a breach of the Paris Agreement.

In October 2016, during the ongoing UN Climate Change Conference in Marrakesh, in any case, a substantially less ambitious German climate action plan for 2050 was adopted. It has yet to see more than the slightest degree of implementation.

And though while campaigning for the 2017 federal election, Chancellor Merkel publicly proclaimed that she was going to adhere to the 2020 climate action targets, in addition to offering the immediate closure of 11 coal-fired power stations in the course of her coalition negotiations with the Green Party, once she entered negotiations with the SPD, she immediately declared on the following day, that the 2020 climate targets were no longer capable of being met.

According to a study made at the behest of Greenpeace, that statement was actually verifiably untrue. On the contrary, it is possible even today, to attain the 2020 climate action target by means of shutting down or reducing the output of a number of definitely specified coal-fired power stations, and that this could actually be achieved with uninterrupted energy supply security. And in lieu of proclaiming the phase-out of coal-fired power stations on the occasion of the UN Climate Change Conference of

November 2017 in Bonn, as was expected worldwide, she simply declined to do so for obscure reasons, for the entire world to see.

Accordingly, the phase-out of coal-fired power stations played no role whatsoever in the coalition agreement of the new government. It was only after vehement public protests that, in a token measure to appease the public, the phase-out was relegated to a committee consisting of all of four federal ministers including the Minister of the Interior, Klaus Seehofer, known for his disregard of environmental and social concerns. There is no more sure-fire way of burying the phase-out by means of a unanimous resolution.

The Chancellor's actions consequently constitute not only an absolute dereliction of duty but also unavoidably leads to the absolute shipwreck of the Paris Agreement and thus, to the inexorable destruction of the planet and humankind.

An excellent article in the Guardian by journalist George Monbiot, dated 19 September 2017, makes a forceful case of how, for decades, Chancellor Merkel's methods have, in reality, served to thwart the attempts of the EU's climate protection and clean air measures for the benefit of the German automotive industry and to the detriment of the health and life of the entire population of the European Union.

In this respect, she does not live up to her reputation as "Climate Chancellor". On the contrary, she is sooner, as revealed in the article, an "environmental vandal" as she is quite aptly named by Monbiot.

<https://www.theguardian.com/commentisfree/2017/sep/19/world-leading-eco-vandal-angela-merkel-german-environmental>

At this juncture, it would be imperative to investigate whether, as in relation to the automotive industry (and possibly other sectors of business); Chancellor Merkel is actually a part of a German "car exhaust fume cartel" to the detriment of the health and life of the entire population of the European Union.

And finally, she has most evidently made herself culpable of high treason under Article 81 of the German Criminal Code in connection with the free trade agreements which attempt to undermine the sovereignty and rule of law of the German state.

#### b) Obstruction

As with the members of the European Commission, the absolutely irresponsible demeanour of Chancellor Merkel can only be explained, but by no means excused, with the ongoing and, as the case may be, already concluded negotiations of the CETA, JEFTA, TTIP, MERCOSUR and TiSA free trade agreements which are grievously detrimental to climate protection.

As already stated here, the aforementioned agreements contravene the Paris Agreement and thwart – for the single reason of permitting a few multibillionaires to amass even more wealth – saving the planet from climate catastrophe and ensuring the survival of all humankind.

#### c) Contravention



Chancellor Merkel's unequivocal national and international promotion and support of the construction of the Nord Stream 2 pipeline constitutes a serious contravention of the Paris Agreement.

Then the precept of "decarbonisation" also entails a drastic reduction of gas imports into Germany and the rest of Europe and not, by any means, a significant increase or even doubling of gas imports.

This course of action will not exactly encourage the industrial sector to do their utmost to commit themselves to the "Energiewende" or citizens to switch to heating systems powered by renewable energy sources.

The projected construction of the Nord Stream 2 Pipeline thus contravenes the Paris Agreement in most obvious and glaring manner.

Chancellor Angela Merkel, who had earned a place for herself among the ranks of world's most prominent politicians by her pioneering exit from nuclear power and her heartfelt and decisive advocacy of the human right of asylum, has since lost this exalted status in absolute disgrace, thanks to her aforementioned actions which outrageously contravene the implementation of the Paris agreement.

Chancellor Angela Merkel has thus manifestly and intentionally made herself culpable of crimes against humanity, as well as of the instigation of genocide.

In addition, she has made herself culpable of high treason pursuant to Article 81 of the German Criminal Code. A communication to this effect that was filed by the undersigned on 5 October 2015 (17 June 2015) is referred to at this juncture.

## **29. The former Minister of Economic Affairs and Energy of the Federal Republic of Germany, Sigmar Gabriel**

According to an article in *Der Spiegel* dated 30 June 2016 ([www.spiegel.de/wissenschaft/natur/klimaschutzplan-2050-ausstieg-aus-der-kohle-doch-langsam-a-1100578.html](http://www.spiegel.de/wissenschaft/natur/klimaschutzplan-2050-ausstieg-aus-der-kohle-doch-langsam-a-1100578.html)), Sigmar Gabriel drastically slashed decisive sections of the former Federal Minister of the Environment Barbara Hendrick's ambitious climate action plan for 2050.

To this effect, he struck out all the greenhouse gas targets until 2030 for the sectors energy, industry, transportation and agriculture.

In similar manner, he shut down the political deliberation in connection with levying a carbon tax to help finance environment-friendly technologies.

He entirely rejected appointing a commission for the phase-out of coal. Instead of the institution of an actual phase-out of coal-mining by 2050, a "declining significance of coal" was merely bandied about.

A national climate action plan such as the one the Paris Agreement requires from each UN member state is not worth the paper it is printed on, without precise targets and radical action for the reduction of the level of CO<sup>2</sup> emissions, and lacking a clear, ambitious timeframe.

For this reason, environmental organisations unleashed an indignant storm of protests against Gabriel's radical cut-backs to the Minister for the Environment's ambitious climate action plan.

More, the former Minister of Economic Affairs Gabriel publicly vituperated against former environmental minister Hendrick's ambitious climate action plan in most belligerent manner.

To this effect, he lambasted the 2030 climate action plan, disparagingly likening it to the depredations of a communistic "planned economy". This is all the more duplicitous, as the mission of the Paris Agreement expressly consists in setting up a national economic plan to regulate and transform the individual national economies, in order to attain the urgently imperative reduction of greenhouse gases to a level conducive to the attainment of the 1.5°C target.

More, in the autumn of 2016, he commissioned the German Scientific Advisory Board to prepare an "expert report" with the objective of scrutinizing the Paris Agreement. Apparently "as ordered" by Gabriel, the Scientific Advisory Board publicly declared, on the occasion of the publication of its expert report on 2 February 2017, that the Global Climate Treaty was "just a patchwork". On 3 February, Gabriel took this expert report with him to the USA to a meeting with the then United States Secretary of State, Rex Tillerson, former Chief Executive Officer of ExxonMobil.

His outrageous public attacks of the Paris Agreement were not only extremely damaging to the national mission of instituting vigorous climate action so vital to the continued survival of humankind, but also invited countenancing further attacks and cut-backs to be undertaken by the ministries and business involved, in addition to stoking public sentiment against the environmental minister's ambitious climate action plan.

On the contrary, former Minister of Economic Affairs Gabriel should actually have been working in close collaboration with the former environmental minister and giving his vigorous support to her proposal in relation to effectuating a climate-oriented transformation of the economy.

Then his primary function as minister of economic affairs was to act in the public interest and to represent and vigorously assert the public interest before the business sector, instead of preserving and securing the long-established privileges of big business at the cost of the climate and the survival of humanity, instead of actually shielding the business sector from urgently imperative state interventions.

In lieu of this, as former Minister of Economic Affairs, he flagrantly attempted in public to cut back the former environmental minister's pre-eminently ambitious climate action plan for 2050 stipulated by the Paris Agreement to such an extent, that this action plan could hardly attain any climate-protecting effects.

It is also the world-acclaimed German "Energiewende" which Gabriel actually should have vigorously supported in the interest of the German economy and promoted as a new, prospering branch of industry, especially in relation to the export sector, that now stands to perish in the course of the enactment of Gabriel's "plan" to benefit the long-established fossil fuel industry that causes so much harm to the climate.

By all accounts, the former Minister of Economic Affairs, Sigmar Gabriel, has thus grievously violated the Paris Agreement, consequently taking it down, on the international stage, for all to see.

Then if not even the German Minister of Economic Affairs and Energy is inclined to implement the Paris Agreement, why should economically and technologically lagging nations make any serious attempt to do so?

Former Minister of Economic Affairs and Energy Sigmar Gabriel has thus manifestly made himself culpable of crimes against humanity as well as of the instigation of genocide.

In addition, he has made himself culpable of high treason pursuant to Article 81 of the German Criminal Code. A communication to this effect that was filed by the undersigned on 17 June 2015 is referred to.

In similar fashion, all members of the German federal government and the members of the factions at the German Bundestag of the CDU/CSU and the SPD have made themselves culpable of inaction in the face of the aforementioned policies.

### **30. The current Minister of Foreign Affairs and former Federal Minister of Justice and Consumer Protection of the Federal Republic of Germany, Heiko Maas**

In his former position of Minister of Justice and Consumer Protection, it should have been his first and foremost job to ensure and insist upon giving highest priority to the implementation and forceful assertion in all sectors of the economy, of the Paris Agreement as well as the German climate action plan for 2050 in the course of the negotiations, design and detailed elaboration of the so-called free trade agreements.

As mentioned above, however, the opposite is true.

In addition, particularly after the constitutional complaint against CETA was filed, it should not have escaped his notice that certain novel mechanisms and institutions embodied in this free trade agreement, such as "regulatory cooperation" and the "arbitration clauses" embody the factual usurpation of the power and sovereignty of the German parliament in its capacity as one of the three pillars of democratic rule.

Then without a democratically elected parliament oriented to upholding the public welfare and the rule of law, the notably difficult task of the swiftest possible decarbonisation, in particular, of the automotive industry, will be made virtually impossible.

More, at latest on occasion of the complaint filed by the undersigned on 17 June 2015, to the effect that certain leading members of the German government, in fact the entire German federal government, stand to make themselves culpable of high treason in accordance with Article 81 of the German Criminal Code) by negotiating and rubber-stamping the free trade agreements of the new generation, TTIP, CETA, etc., Maas did not initiate an investigations or probably obstructed the initiation of an investigation into this matter of high treason.

Apart from that, he abused his position as minister of justice and effectively broke the law by giving coercive instructions to the former Federal Prosecutor General, Dr. Harald Range, interfering with his investigative activities. When Range went public to defend himself, ([www.spiegel.de/politik/deutschland/harald-range-greift-heiko-maas-an-die-kampfansage-a-1046624.html](http://www.spiegel.de/politik/deutschland/harald-range-greift-heiko-maas-an-die-kampfansage-a-1046624.html)) as was his right and duty, Maas unequivocally denied ever having given Range instructions. He even relieved the Prosecutor General of his office "dishonourably", in retaliation, on 4 August 2015. When questioned by a parliamentary fact-finding committee charged with investigating this incident, Maas persisted in denying ever having given these orders, thus lying in public and before parliament, even though internal memoranda which came to light proved the contrary. This behaviour manifestly violated the law.

Alone on these grounds, Minister of Justice Maas himself should have been dismissed from public office, not to mention, for reason of the unjustified and illicit dismissal of Range.

Instead, he was actually appointed Federal Minister of Foreign Affairs on 14 March 2018.

Even from this office, he declined to raise concerns against the adoption of JEFTA, despite massive public protest and though JEFTA quite explicitly obstructs the implementation of the Paris Agreement as is evident in the wording of the section Chapter 16.4, No. 5, as stated above.

By all accounts, Minister of Foreign Affairs Maas has thus, from all of two authoritative and pivotal government positions, made himself culpable of crimes against humanity and global genocide, in addition to high treason.

His assets are to be confiscated.

### **31. The members of the government of the Federal Republic of Germany**

All members of the German federal government are not only responsible for, but also, to the highest degree, obligated to act to ensure the ambitious implementation of the decarbonisation of the entire economy, pursuant to the Paris Agreement and/or the 2050 climate action plan, within their respective areas of responsibility.

On account of their failure to do so, they have made themselves culpable as perpetrators of the crimes cited in this document.

### **32. Members of the factions at the German Bundestag of the following parties: the CDU/CSU and the SPD**

Diverse members of the factions at the German Bundestag of the CDU/CSU and the SPD have made themselves guilty of culpable complicity in the factual non-compliance as well as the obstruction of the Paris Agreement by means of their denial of anthropogenic climate change and the procrastination of climate protection decisions, by using as pretext, other purported priorities, such as the invention of an alleged refugee crisis which they aggressively blew up out of proportion.

### **33. The members of the faction at the German Bundestag of the AfD party**

In the television documentary by 'Monitor' entitled "Klimawandel und Sommerhitze: die Gegner" (Climate Change and Summer Heat Wave: the Adversaries), <https://www.ardmediathek.de/tv/Monitor/Klimawandel-und-Sommerhitze-Die-Gegner-/Das-Erste/Video?bcastId=438224&documentId=55162468> a motion of the AfD's faction of the Bundestag made on 27 June 2018 is documented.

The motion proposes the following:

-"the abandonment of the energy and climate protection interim targets for 2030 of the 2010 climate action plan."

-"the complete expurgation of so-called climate protection policies to immediate effect."

Item 1.1 further reads:

„to this effect, the termination of all related legislation, regulations and provisions with respect to climate action and energy policies“

Item 1.2 states:

**"abrogation of all current national and international commitments and the resolution to no longer enter such commitments in future"**

Item 1.3 states:

"discontinuation of all payments in relation to the aforementioned commitments in a manner compliant with the agreements involved"

The wording of the passage under 1.2 can only be understood to be a call for the withdrawal from the Paris Agreement.

**In this respect, this official motion made by the AfD before the Bundestag is, to an astonishing degree, comparable to Robert Murray's "Action Plan for the Administration of President Donald J. Trump" and Robert Mercer's "Action Plan for President Trump."**

In accordance with this, the members of the Bundestag faction of the AfD, as well as all their members, have likewise made themselves intentionally culpable of crimes against humanity and genocide, and are thus unacceptable as members of the Bundestag.

### **34. The members of the government of Canada**

- a) Non-compliance and b) Obstruction

#### **Minister of Foreign Affairs Chrystia Freeland**

had, as the representative of Canada, brokered the CETA free trade agreement with the European Commission.

As already discussed extensively above, the CETA treaty is in grievous violation of the constitution of the Federal Republic of Germany. It is likewise in grievous violation of the constitutions of the other member states of the European Union and probably also of the Canadian constitution.

CETA also flagrantly contravenes the United Nation Charter.

More, the usurpation of the democratic legislative powers of the parliaments stipulated by CETA would render impossible the enactment of ambitious climate action policies, not to mention their enforceability against the resistance of the industrial sector.

In addition, the elimination of the parliaments from the legislative process and their replacement through corporate-friendly regulatory committees precludes the adoption and enforcement of the pre-eminently ambitious climate action measures entailed by the fulfilment of the Paris Agreement. This incidentally also applies to the Canadian Parliament.

The complete absence of ambitious climate protection provisions in the CETA treaty and, aggravatingly, the danger of the assertion of the use of fracking technology enabled by CETA, also prove that CETA is meant to be instrumental in aggressively advancing the continuation and entrenchment of the oil, gas, coal and fracking industries, which are so damaging to the climate.

The Canadian Minister of Trade has been intimately familiar with the details, the background and even with the public criticism connected to CETA. On these grounds, intent can be established beyond doubt.

In consequence, Canadian Minister of Foreign Affairs Chrystia Freeland has also made herself culpable of incitement of and/or aiding and abetting crimes against humanity and of instigation to genocide.

In similar fashion, all members of the government of Canada have made themselves culpable.

### **35. The members of the government of Japan**

See 25.

On account of their negotiation, approval and adoption of the JEFTA agreement, which does not embody any cooperative and ambitious attempt whatsoever to fulfil the Paris Agreement but in fact, even massively obstructs it, the members of the government of Japan have in similar fashion made themselves culpable of crimes against humanity and global genocide.

### **36. Members and former members of the government of the United States of America**

- a) Non-compliance b) Obstruction

#### **Former United States Trade Representative, Michael Froman**

As U.S. Trade Representative in charge of the so-called TTIP free trade treaty, Michael Froman attempted, in practically the same manner as the Canadian Minister of Foreign Affairs, Chrystia Freeland, to abolish the democratic rule of law in Europe, obstruct the urgently imperative measures regulating the industrial sector with a view to effectuating the widespread termination of coal, gas and oil extraction and combustion, so vital to the continued survival of the global community, and

effect an abrogation of national climate action plans meant to comply with the Paris Agreement.

He has also made himself deliberately culpable of incitement as well as aiding and abetting non-compliance with the Paris Agreement, thus leading to its failure.

Since the foreseeable consequence of the failure of the Paris Agreement is an inexorable increase of global warming and the resulting certain extinction of the world population, U.S. Trade Representative Michael Froman has also made himself culpable of the incitement as well as aiding and abetting of crimes against humanity and genocide, in addition to high treason.

Since the conclusion of TTIP is still being planned, possibly in a stripped down version, Froman's leading role in the elaboration of the treaty retains the grievous nature of an act punishable under International Law.

Other members of the Obama government of the time are similarly accountable and have also made themselves culpable.

### **37. The members of the governments of all member states of the European Union and the UN**

Most notably on grounds of their approval and/or the active political support of the so-called free trade agreements, CETA, JEFTA, TTIP, MERCOSUR and TiSA, and the resulting factual obstruction of the fulfilment of the Paris Agreement, the governments of the EU member states have made themselves in all but name culpable of crimes against humanity and global genocide.

A detailed account of further actions of the individual governments of the EU member states against the Paris Agreement could be provided in independent criminal complaints to be lodged by the citizens of said EU member states, an undertaking that should be expressly encouraged with this.

### **38. The corporate groups of the fossil fuel sector and their respective Chief Executive Officers**

- a) Non-compliance, b) Obstruction, c) Contravention

The investors and CEOs of the oil, gas, coal and fracking industries are all, beyond doubt, obligated to terminate their extraction and production operations to the greatest possible extent or transition to renewable energy sources.

They are well aware of the fact that this, exactly, is the primary objective of the Paris Agreement, and that the world wide climate catastrophe and a resulting extinction of the entire world population can only be averted with a swift and radical transition from fossil fuel energy sources to renewable sources of energy.

The fact that they attempt with every means at their disposal, notably with the so-called free trade agreements such as CETA, TTIP, JEFTA, NAFTA, TPP, TISA etc. as well as through exerting their massive influence upon politicians in office, to impede the immediate decarbonisation of the economy stipulated by the Paris Agreement and even effect the purging of such measures from national climate action plans, they have made themselves culpable of not only incitement, but also of aiding and

abetting crimes against humanity and genocide, committing these crimes as immediate perpetrators in their role as investor and/or representative of these industries guilty of causing such grievous harm to the climate as well as to all humankind.

Apart from that, the account detailed above is to be cited as evidence.

In addition, a criminal investigation in relation to the forming of a cartel should be initiated.

The assets of the corporations and the CEOs are to be confiscated.

### **39. The RWE AG**

This company is the second largest electricity producer in Germany and fires brown coal on a large scale.

The combustion of brown coal produces comparatively large amounts of CO<sup>2</sup> emissions which are extremely damaging to the climate.

In this respect, RWE ranks among the largest CO<sup>2</sup> emitters in the world, its CO<sup>2</sup> emissions contributing partially to the melting of the polar ice caps, the acidification and warming of the oceans and the warming of the entire planetary atmosphere.

It is most notably on these grounds that the immediate initiation of a phase-out of RWE's use of coal is a central demand of climate protection activists.

In this connection, the Federal Republic of Germany will be enabled to actually adhere to the 2020 climate target that is so imperative, contingent upon a rapid phase-out of coal-fired power generation.

Nonetheless, RWE publicly opposes the so-called phase-out of coal, even though a government commission in aid of this undertaking was appointed.

In addition, RWE aggressively takes extreme action, legal and otherwise, against environmental activists, such as those who have occupied the Hambach Forest in treehouses, in order to protect this richly biodiverse ecotope from being cleared to accommodate the expansion of RWE's open-pit lignite mine, an enterprise that is, in any case, no longer permissible pursuant to the Paris Agreement.

Cf. an article in a quarterly legal journal called "Kritische Justiz" by Heinrich Comes, "Augen zu und durch? Klimawandel und Ziviljustiz" – (Close your eyes and hope for the Best? Climate Change and Civil Justice), KritJ 51 (2018), Vol. 1, p. 115ff, via the following link:  
[https://www.researchgate.net/publication/323909070\\_Augen\\_zu\\_und\\_durch\\_Klimawandel\\_und\\_Ziviljustiz](https://www.researchgate.net/publication/323909070_Augen_zu_und_durch_Klimawandel_und_Ziviljustiz).

A few days ago, RWE announced the clearance of Hambach Forest and the eviction of the activists by the Police has now begun.

Deliberately refusing to wait for the decision of the Government Commission on Coal scheduled to be made at the end of this year, RWE intends to present a *fait accompli* to facilitate the further massive extension of its coal extraction operation.



In any case, because it is to be expected that the Government Commission on Coal shall decide to include Hambach Forest in the list of coal extraction sites where operations are to be discontinued, it is all the more imperative to stop its clearance now.

As one of the largest, most extremely aggressive and wholly uncompromising coal companies, RWE has, as no other, made itself most grievously and persistently culpable of violating the Paris Agreement and thus destroying the very basis of the existence of humankind.

In consequence, it is indispensable to rescind all of RWE's concessions, seize all its assets and subject RWE to liquidation.

#### **40. The Chairman of the Board of the RWE AG, Rolf Martin Schmitz**

Rolf Martin Schmitz is, in his function as Chief Executive Officer of the RWE AG, responsible for the company's exceedingly aggressive way of doing business and has thus also made himself culpable of crimes against humanity and genocide.

His assets are to be confiscated.

#### **41. The former RWE AG-Innogy Chief Executive Officer, Fritz Vahrenholt**

In Johan von Mirbach's television documentation entitled "Die geheimen Machenschaften der Ölindustrie" (The Secret Machinations of the Oil Industry) of 12 November 2017 and aired on 24 August 2018, <https://www1.wdr.de/fernsehen/die-story/sendungen/die-geheimen-machenschaften-der-oelindustrie100.html>

Fritz Vahrenholt is also identified as a high-profile, exceedingly active climate change denier.

His appearance in the documentary shows that (at least) he finds it difficult to deliberately and grossly deceive the public concerning essential scientific knowledge and the consequences thereof with respect to the survival of humanity, which he nonetheless does, thus grievously obstructing the ambitious implementation of the Paris Agreement.

He has consequently also made himself culpable of crimes against humanity and genocide to a high degree.

His assets are to be confiscated.

#### **42. The corporate groups of the automotive industry and their respective Chief Executive Officers**

The urgently needed decarbonisation of the economy also involves the greatest extent of deterrent possible in relation to the combustion of gasoline and diesel by internal combustion motors in cars.

That entails a transition of the automotive industry to electro mobility and fuel cell technology that is to be executed as swiftly as possible.

But on grounds that, for years and to the greatest extent possible, the German and international automotive industries have vehemently opposed the aforementioned urgently imperative developments and even after the signing of the Paris Agreement, brought massive lobbying activities to bear on both national and international levels, in order to attain the obstruction of the adoption of extensive measures for the swiftest possible transition to electro mobility and/or fuel cell technology, the investors and representatives of the automotive industry have deliberately made themselves culpable of the forthcoming breakdown of the Paris Agreement and the resulting extinction of the world population.

On the contrary, the investors and representatives of the international automotive industry should have spearheaded the swift and early introduction of efficient and elegant, climate-friendly solutions in the automotive sector to lead the advance of worldwide technological development in the field of the utilisation of renewable energy sources.

Instead, they have seriously misled and defrauded the world community as well as the economic and environmental authorities in virtually all UN member states, over the course of many years, by means of manipulated exhaust emission measuring devices in their vehicles, thus illicitly violating and undermining the climate protection regulations of these nations.

As a consequence, they have inflicted grievous harm upon the local as well as global community as well as upon the drivers of vehicles of their manufacture, not only by means of the massive output of nitrogen oxides, which are injurious to health and CO<sup>2</sup> levels which endanger the climate, thus seriously reducing the chances of averting the forthcoming global climate catastrophe.

It beggars belief, that all this, which constitutes the wilful endangerment of the life and health of billions of people, the defraudment of government agencies, clients and the entire global community, in addition to displaying a gross violation of environmental and climate protection standards, has been done, simply to save on very small addition costs for an exhaust aftertreatment system.

And despite everything that has transpired, this defraudment continues unabated.

To this very day, the Chief Executive Officers of the automobile companies recalcitrantly refuse to effectuate the immediate cessation of their damaging activities and the alleviation of the damage inflicted by means of the simple remedy of installing a necessary exhaust aftertreatment system.

Apart from that, they have, for instance, effectively obstructed the raising of the predefined threshold limits of exhaust fume emissions by the EU by bringing massive pressure to bear on the German government.

And, by exercising massive pressure, they have long deterred the German Federal Government from, if necessary, revoking motor vehicle registration as a means of pressuring the automotive industry to remedy the damage by means of retrofitting the vehicles involved with appropriate exhaust aftertreatment systems.

Ultimately, the automotive industry has inflicted most serious damage to Germany as a business hub, to its achievements in engineering, to its potential for innovation and its integrity as a trading nation.

More, it once again persists in actively and vehemently rejecting compliance with the Paris Agreement, most notably in the extreme promotion and the expansion of the manufacture and worldwide sales of SUVs, which inflict such grievous damage upon the climate.

By all accounts, the corporate groups of the automotive industry and their respective Chief Executive Officers have made themselves culpable of crimes against humanity and genocide, not only in the capacity of instigator and accessory but also of immediate principal.

Apart from that, there is obviously a "car exhaust fume cartel" at work, in which the Federal Chancellor Angela Merkel and the former Federal Minister of Transport and Digital Infrastructure Alexander Dobrindt participate or have participated. This justifies the initiation of a criminal investigation in this connection.

The assets of the automobile companies as well as of their CEOs and former federal Minister Dobrindt are to be confiscated.

#### **43. BlackRock Inc. and all such global investment management corporations and their agents and representatives**

As already stated above, international investors, in their role as financiers of the fossil fuel sector, have a twofold obligation pursuant to the Paris Agreement. Firstly, they have the duty to divest from the carbon and the fossil fuel sector as swiftly as possible, and secondly, they have the duty to extensively invest in the development of technologies and industries involving renewable energy sources.

Through their likewise extremely, exceedingly hesitant course of action in fulfilling the above obligations, they have made themselves culpable of crimes against humanity and risk the expropriation of their assets.

#### **44. Agents and representatives of the financial sector**

- a) Inaction b) Obstruction c) Contravention

As already stated numerous times above, the Paris Agreement explicitly stipulates the obligation for international investors to make crucial investments especially in the development of industries involving renewable energy sources, so imperative to the survival of humanity, all over the world in swift and reliable fashion.

The obligation to render investment aid directs the investor to very specifically and especially favour such UN member states, which could not meet the costs of the climate neutral transformation of their economy unassisted.

The obligation of the investors and the financial sector pursuant to the Paris Agreement also stipulates that they swiftly and permanently divest from the financing of oil, coal and gas projects and reinvest their capital in the development of projects involving renewable energy sources.

Up to now, only a few isolated insurance companies have done this, probably because this business sector is compelled to address in a fashion more extensively and intimately than others, the continuing survival of humanity in the face of a an

incipient global climate catastrophe already manifesting itself in increasingly alarming proportions.

The majority of investors however, persists in lending immense support to the design, elaboration and adoption of the neoliberal free trade agreements such as CETA, JEFTA, TTIP, NAFTA, TPP, MERCOSUR, TiSA etc., with a view to using these to obstruct the implementation of the Paris Agreement and thus ensure that the oil, coal and gas industries continue to generate maximal profits unhindered.

With their non-compliance with the Paris Agreement which they obstruct using the neoliberal free trade treaties, in addition to their continuing finance of existing and new oil, gas and coal projects all over the world, which is in violation of international law, the international investors and representatives of the financial sector make themselves culpable to an extraordinary degree, of crimes against humanity and global genocide, or of instigation and aiding and abetting of these crimes.

Their assets are to be confiscated.

#### **45. Shareholders of the joint-stock companies of the fossil fuel industry**

The shareholders of the joint-stock companies of the fossil fuel industry make possible by means of their purchase of shares, not only the unhindered continuation of the operations of companies of the fossil fuel sector, but also considerable personal profits, in the full knowledge that these industries that are responsible for the destruction of the very basis of the existence of humankind, must be liquidated.

They have thus, to not inconsiderable extent, made themselves unequivocally complicit in committing crimes against humanity, in addition to global genocide.

The assets which they have acquired in this manner are to be confiscated.

#### **46. Shareholders of investment trusts with holdings in the fossil fuel industry**

The shareholders of investment trusts with holdings in the fossil fuel industry make possible by means of their purchase of shares, not only the unhindered continuation of the operations of companies of the fossil fuel sector, to immense personal profit, in the full knowledge that these industries that are responsible for the destruction of the life blood of humankind must be liquidated.

They have thus, to not inconsiderable extent, made themselves most evidently complicit in committing crimes against humanity, in addition to global genocide.

The assets which they have acquired in this manner are to be confiscated.

#### **47. N.N.**

The perpetrators involved cannot, by far, all be conclusively named within the scope of this complaint. In this connection, a further extensive criminal investigation must be initiated, followed by an appropriate arraignment.

After presenting the foregoing, I humbly petition the court, in accordance with the principle of Universal Jurisdiction, to initiate preliminary proceedings and prefer charges as soon as possible.

In this connection, it would be urgently imperative for the International Criminal Court in The Hague to work in close collaboration with public prosecutor's offices of other EU member states and the UN member states.

A swift indictment would be warranted, especially in light of the exceeding urgency of the national implementation of the Paris Agreement.

In this vein, the so-called free trade agreements such as CETA, JEFTA, NAFTA, MERCOSUR, TPP, TTIP, TiSA etc., should be introduced into the proceedings as "instrumentalities" and/or declared to be in violation of International Law and consequently ruled null and void in addition to being reversed.

It is therefore suggested that the question of the continued existence of the aforementioned free trade agreements be submitted to the United Nations General Assembly for deliberation and a corresponding resolution.

To further assure the immediate execution of the Paris Agreement, a draft resolution should be submitted to the UN General Assembly for deliberation and a vote, with a view to propounding and establishing a new global economic order based on the social market economy, oriented towards upholding and advancing public welfare and climate protection.

In addition, the assets of the companies of the fossil fuel and automotive industries and their Chief Executive Officers are to be confiscated, as the perpetrators have quite substantially contributed to and grievously instigated global genocide by means of the extraction and sale of fossil energy sources, in addition to the manufacture and sale of gasoline and diesel powered vehicles.

In this connection, the respective national criminal law provisions with respect to "forfeiture and confiscation" are to find application.

The prodigious assets subject to expropriation can subsequently be immediately invested to implement the swiftest possible transition of the global economy to the use of renewable energy sources, the development of climate-friendly mobility and food production, so vital to the survival of the global community, in order to guarantee the necessary protection of the world population, hopefully before it is too late.

In principle, there is some hope that we will still be able to avert global climate catastrophe by means of extremely decisive and forceful action, according to a new study of the Fraunhofer Institute for Energy Economics and Energy System Technology (Fraunhofer IEE) from August 2018 by Jakob Kopsike and Norman Gerhardt for Greenpeace Germany entitled: "Wie Deutschland sein Klimaziel 2020 noch erreichen kann" – (How Germany can still meet its 2020 Climate Target).

([https://www.greenpeace.de/sites/www.greenpeace.de/files/publications/energieszenario\\_fuer\\_2020.pdf](https://www.greenpeace.de/sites/www.greenpeace.de/files/publications/energieszenario_fuer_2020.pdf))

This is probably only still possible through decisive and energetic action by you, the Public Prosecutor of the International Court of Crime, the Federal Prosecutor General of Germany and the Offices of the Prosecutor Generals of all other UN Member states.

Apart from that, the citizens of all EU member states as well as those of all UN member states are called upon to join this complaint or to lodge one of their own with respect to the non-

compliance with the Paris Agreement, which is in violation of International Law, with their national Public Prosecutor's Offices or with the International Criminal Court.

We dedicate this communication to the  
extraordinarily upstanding, valiant and highly respected,  
and sadly, most tragically and much too early deceased,  
former Federal Prosecutor General,  
Dr. Harald Range,  
the "Kofi Annan of the Federal Prosecutor's Office,"

Respectfully yours,

Gisela Toussaint  
Attorney-at-law