

**Public appeal to the Chief Prosecutor of
International Criminal Court (ICC) in The Hague,
Madame Fatou Bensouda**

Prevent the imminent arrival in 2020 of 3 Amazon climate catastrophe tipping points

1) by immediately bringing charges before the ICC

against governments, CEOs and investors

and their helpers

for global genocide (Art. 6(c) Rome Statute) or

Crimes against humanity (7(1)b Rome Statute)

by failing to comply with or massively violating the Paris Convention

2) by immediately ordering effective protective measures (Art. 68 Rome Statute) to protect the Amazon rainforest and the indigenous peoples living there as well as the entire world population!

We, the inhabitants of this one and only earth, all together face the seemingly (!) unsolvable problem that our livelihoods are not only being destroyed in dramatic proportions, but that we are acutely threatened by **three caused by individuals climate collapse tipping points in 2020:**

1) The **by individuals caused destruction of the Amazon rainforest will reach a magnitude of more than 20% this year.** The destruction is also massively **fuelled by the draft law 191/20**, which is intended to legalize illegal land grabbing retroactively. According to research by scientists, however, the **rain system of the Amazon rainforest**, which cools the world's climate and supplies the whole of Central and South America with rain, will **collapse from a destruction level of 20 - 25%**. The Amazon rainforest would be destroyed so much exactly this year that it will collapse irretrievably and die with its gigantic cooling rain system if no drastic protective measures are taken.

<https://www.nytimes.com/2019/08/30/world/americas/amazon-rainforest-fires-climate.html><https://www.pjie.com/sites/default/files/documents/pb19-15.pdf>

2. this collapse of the rainforest would also immediately **destroy its function as a global CO₂ sink** - expressly protected by the Paris Convention - with irreversible effects on the entire global climate.

3. according to the **"Carbon Crunch" curve, global CO₂ emissions would have to be reduced very drastically by 2020 at the latest if the 1.5 degree target of the Paris Agreement is still to be met and thus the demise of mankind prevented.** In fact, however, governments - in a system of **"joint criminal enterprise"** - approve further high subsidy payments to the fossil industry, whose CEOs implement the maintenance and expansion of fossil production and are additionally financed by investors. Furthermore, the collapse of the Amazon rainforest

would release immense additional quantities of CO₂, which together would cause an unstoppable massive increase in global warming to at least 3 - 6 degrees from 2020, making life on this planet impossible for humans.

If these tipping points occur before the end of this year, not only the Amazon rainforest but also the agricultural areas in the whole of Central and South America and the south of the USA will dry up irreversibly due to lack of rain, and an unstoppable massive increase in global temperatures will set in – as well due to the further unhindered CO₂ emissions of the fossil industry.

This would make life on the whole earth impossible for humans and lead to the very fast and under most horrible circumstances occurring extinction of the whole mankind.

Survival or extinction of mankind will not be decided sometime in 50 years, but exactly in this year 2020. In view of the new massive deforestation of the Amazon rainforest, which has been going on for months, this decision might even be made this month.

But we as humanity are not helplessly at the mercy of this acutely threatening, by individuals caused destruction.

Because the UNO found 2015 a solution and unanimously decided the Paris agreement, in order to avert the climatic disaster straight still in time by the protection of CO₂ sinks, the drastic reduction of fossil productions as well as the fastest possible structure of renewable energies and a fundamental reorientation of the world economy and to secure so the survival of entire mankind.

Not only all governments but also the heads of corporations and investors are responsible persons for these measures to ensure the survival of mankind, in accordance with the "Global Compact".

This means the other way round:

Whoever of these highly responsible Persons does not comply with the Paris Agreement or even acts against it on a massive scale, objectively and knowingly causes the irreversible occurrence of the climate catastrophe and thus the certain demise of all mankind.

These persons can therefore be prosecuted for genocide and crimes against humanity according to Art. 6 (c) and Art. 7(1)b Rome Statute.

The objective act of crime according to Art. 6 (c) is "**deliberately inflicting on the group condition of life calculated to bring about its physical destruction in whole or in part**", and to Art. 7(1)b, (2)b Rome Statute „**intentional infliction of conditions of life...calculated to bring about the destruction of part of a population**".

Here it is the deliberate act of not fulfilling the Paris Agreement which knowingly causes a global climate catastrophe and thereby creates global conditions of life capable of bringing about the destruction of all humanity.

Subjectively, according to the jurisdiction of the ICC, Art. 7(1)b Rome Statute requires **intent** according to Art. 30 Rome Statute, i.e. the perpetrator must either want to cause death (dolus directus 1st degree) or he assumes that death will occur according to the usual course of events (dolus directus 2nd degree). **According to the case law of ad hoc criminal courts, even conditional intent, i.e. acting despite awareness of the "serious probability" of the death consequence, or even negligence, is sufficient** (see Wehrle/Jeßberger, Völkerstrafrecht, 5.A., Rn 1012 ff). **The subjective elements of the crime against humanity should therefore be individually provable.**

For the perpetrators knowingly acted contrary to the clear instructions of the Paris Agreement and the **worldwide warnings of Fridays for Future, climate scientists, Extinction Rebellion, churches, environmental protection organizations, NGOs and climate activists** against the irreversible occurrence of the climate catastrophe and thus the extinction of mankind. According to this, the perpetrators were aware of the downfall of the whole of humanity as a result of their actions, not only as a possible possibility but as a "serious probability".

In the case of genocide, however, although the act and the sequence of events are essentially identical with those of the crime against humanity, the subjective demand is for the "**intention**" to destroy a population in whole or in part, which is an **even higher degree of intent**. On the one hand, this is rightly **controversial** (ebda Rn 925 ff). On the other hand, this particularly high form of intent would mean that **the vast majority of offenders who would be found guilty of a crime against humanity would have to be acquitted of the crime of genocide.**

Since the question here is about the **punishability of the destruction of the whole of humanity**, that is the greatest and most terrible of all conceivable crimes, and since the **world public would describe this crime as "global genocide", an acquittal from global genocide would seriously and intolerably violate the (climate) justice and decency of the great majority of the world community.**

The global and **absolutely extreme state of emergency** also requires the ICC to interpret **the subjective elements of the crime of genocide in a much broader sense to include intent of normal degrees, conditional intent and even gross negligence** - for effective prosecution, for effective deterrence and for the rapid and comprehensive averting of the danger of the end of mankind.

In order to combat genocide and crimes against humanity and to prevent them as early as possible, the International Criminal Court has the right and the obligation to charge the perpetrators of genocide and to sentence them to life imprisonment. In addition, it can and must order immediate protective measures such as the immediate absolute **ban on the destruction of trees in the Amazon rainforest and the legalisation of illegal land seizures, as well as the immediate ban on fossil subsidies and investments, the massive curtailment**

of fossil production and of soya and meat production, and the immediate intensive subsidisation of renewable energies.

Because of the three climate catastrophe tipping points, the ICC should also be expressly requested or obliged to intervene by the UN General Assembly in an Emergency Special Session to avert the acute global emergency of the impending collective demise of humanity.

We therefore expressly support the request of 7 international Fridays for Future Groups to UN Secretary General António Guterres on 27 April 2020 to convene such an Emergency Special Session, to adopt an Emergency Resolution against Global Genocide and to order immediate protective measures. https://www.vrany.de/fileadmin/downloads/Letter_to_Antonio_Guterres.pdf

Due to the threat of disaster, **even British supermarket chains** have now threatened to **boycott Brazilian goods** in an open letter to the Brazilian government in order to ensure that Bill 191/20 is not passed, as it plans to legalise the illegal land grab in the Amazon Rainforest, which will further fuel the destruction of the rainforest as a global carbon reservoir.

<https://www.theguardian.pe.ca/news/world/brazil-delays-vote-on-land-bill-amid-threat-of-environmental-boycott-452034/>

After all, we call on you, as the Chief Prosecutor of the International Criminal Court, to immediately initiate public prosecution investigations into global genocide and crimes against humanity against the heads of government, especially the President of Brazil, Jair Bolsonaro, as well as against the heads of the agricultural corporations destroying the rainforest and their investors, in order to avert the three acutely threatening Amazonian climatic catastrophe tipping points.

We also call on you to immediately launch public prosecution investigations into global genocide and crimes against humanity against heads of government who continue to subsidize fossil fuel production, and against the heads of fossil fuel companies and their investors.

Furthermore, we call on you to order immediate and effective protective measures to protect the Amazon rainforest and the indigenous peoples living there as well as the entire world population in accordance with Art. 68 Rome Statute.

This would not only enable the 3 acutely threatened climate collapse tipping points to be averted just in time and successfully, but all other parties obliged to act according to the Paris Agreement would fulfil their duties to act immediately and in the best possible way, in order not to be accused and condemned of global genocide as well.

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