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The International Criminal Court
Office of the Prosecutor
The Hon. Fatou Bensouda
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Request of an Appointment

Dear Honorable Madame Fatou Bensouda,

Please allow a very urgent and soon joint meeting with

- Jean Ziegler, Vice President UNHRCAC, Swiss
- Paula Marie Kanzleiter, Fridays for Future activist
- Elias Pfeffer, Fridays for Future activist
- Gisela Toussaint, Attorney-at-law, Germany

To discuss in regard of a threatening soon ecological and climatological Super-MCA,

- A. That not to fulfil Paris Agreement (PA) as well as massively acting against it – specially by expanding fossil fuel production - by persons, who are obliged to fulfil PA, and/or organized groups of these offenders is global genocide against whole mankind by ‘joint criminal enterprise’
- B. That to allow, instigate, order, plan, commit, execute, aid and/or abet the industrial destruction of the Brazilian rainforest as global carbon sinks is genocide against indigenous peoples in Brazil as well as global genocide by ‘joint criminal enterprise’
- C. As a consequence the ICC should immediately start official investigations against them because of global genocide (Art.6 (c) Rome Statute) and crime against humanity (Art. 7 para.1 (b) Rome Statute)
- D. As a consequence the ICC immediately should order provisional protection measurements according to Art. 68 Rome Statute to protect the Brazilian indigenous people, the Brazilian rainforest as global carbon sink, global climate and whole mankind
- E. As a consequence the ICC should immediately built an “international ICC-Task-Force against Global Genocide” as well as a special “international ICC-Task-Force against Industrial Destruction of Rain Forests”

To A.

1. The duties of the Paris Agreement (PA) - to immediately and most ambitiously reduce carbon emissions and save carbon sinks have been agreed in December 2015 by a consensus of all Heads of UN Member States to keep climate warming at 1,5° or well below 2° for to avoid the extinction of mankind. But the further consensus to since then actively fulfil these duties of the PA obviously is gone (COP 25). So to – in last minute - save mankind from extinction the only legal and even most effective way is **to activate the ICC**. Because the ICC is able as well as bound by law to personally charge the not fulfilling the duties of the PA and/or the massively acting against these duties as committing - even global - Genocide (Art. 6 (c) Rome Statute) as well as Crime against Humanity (Art. 7 para.1 (b) Rome Statute)
2. To allow, order or take part to execute an industrial destruction of global rainforests by burning, cutting and mining and by transforming into cattle or agro business or mining land is a massive offence against Art. 4(1) and 5 PA's most serious duty to protect global carbon sinks, and so is committing global Genocide (Art. 6 (c) Rome Statute) as well as Crime against Humanity (Art. 7 para 1. (b) Rome Statute)
3. To pay high subsidies in various forms (as government) or invest into (as head of investment bank) or execute (as head of company) fossil fuel (coal, oil and gas) production massively counter-acts
 - Art. 2 (1)c) PA's duty to “making finance flows consistent with pathways towards low greenhouse gas emissions and climate-resilient development” as well as
 - Art. 4 (1) PA's duty “to undertake rapid reductions” of anthropogenic” (greenhouse gas) “emissions” and “to reach global peaking of greenhouse gasses as soon as possible”, and
 - as be focussed in the “UNEP Production Gap Report 2019” - neutralizes the worldwide efforts of the Nationally Determined Contributions (NDCs) acc. to Art. 4(2) PA,
 and so is committing global Genocide (Art. 6 (c) Rome Statute) as well as Crime against Humanity (Art. 7 para. 1(b) Rome Statute).
4. To ignore the international law primacy of the PA as new “ius cogens” (Art. 53, 64 VCLT) over the still governing WTO free trade, economic growth and profit primacy in Art. XX GATT massively counteracts the PA's clear agreement of a climate protection primacy as well as the duty to most ambitiously and immediately transform the whole world economy into a climate protective economy (Planetary Green Deal) and - by undemocratic free trade councils and ISDS - massively threatens or stop the quick, easy and un-sued fulfilling the duties of PA and so is committing global Genocide (Art. 6 (c) Rome Statute) as well as Crime against Humanity (Art. 7 para.1 (b) Rome Statute)

To B.

1. To massively promote, instigate or execute live threats and attacks, illegal land claiming, burning, destroying and converting, oil drilling, land and water poisoning and terror against Brazilian indigenous people is committing Genocide (Art. 6 (a),

(b), (c) Rome Statute) as well as Crime against Humanity (Art. 7 para.1 (a), (b), (d), (e) Rome Statute)

To C.

1. start official investigations because of global genocide and crime against humanity against
 - a) Heads of governments of UN Member States (list enclosed), who since the Paris Agreement (12.12.2015) still actively, collusively and massively support fossil fuel production by giving new allowances for extraction and by paying considerable governmental subsidies and supports of all kinds
 - b) Heads of global investment companies (list enclosed), who since the Paris Agreement (12.12.2015) still actively, collusively and massively support fossil fuel production by supporting new allowances for extraction and by paying exorbitant funding for fossil fuel production
 - c) Heads of fossil fuel production companies (list enclosed), who since the Paris Agreement (12.12.2015) still actively, collusively and massively execute fossil fuel production by calling for new allowances for extraction, by calling for exorbitant governmental subsidies of all kinds as well as funds of finance industry for fossil fuel production and massively execute the fossil fuel production
 - d) Jair Bolsonaro, President of Brazil, as well as enumerated persons of politics, industry and finance in Brazil, USA and Europe (list enclosed), who – in spite of the duties of PA and in spite of worldwide most serious protests and warnings - still allow, instigate, order, plan, commit, execute, aid and/or abet a more and more massive industrial destruction of Brazilian rain forest as vital global carbon sinks and “lungs of earth” for short-sighted huge commercial profit of the cattle, agro and mining industry and/or massively promote, instigate or execute live attacks, illegal land claiming and burning, land and water poisoning and terror against Brazilian indigenous people - and act collusive for profit and power as criminal association

To D.

1. Order provisional protection measurements according to Art. 68 Rome Statute against starting global genocide to protect mankind, as could be:
 - a)
 1. Order all governments of UN Member States to stop any kind of subsidies for fossil fuel (coal, oil, gas) production
 2. Order to instead invest these amounts of subsidies for renewable energy production
 3. Order to stop any new governmental allowances for fossil fuel production
 4. Order to instead massively support allowances for renewable energy production
 5. Order to most intensively change traffic, farming, trading, energy, housing, health, education, finance, economy politics according to PA
 - b)
 1. Order all CEOs of investment industry to stop any massive funding of fossil fuel (coal, oil, gas) production
 2. Order to instead invest huge amounts in renewable energy production
 3. Order to stop any lobbying for allowances for fossil fuel production

4. Order to fix climate protection investments and measurements as absolutely prior to economic profit and growth
 5. Order to intensively invest according to the goals of PA and sustainable development goals
 6. Order to reduce and stop all kind of virtual finance products
 7. Order to intensively support the Planetary Green Deal
- c)
1. Order all CEOs of fossil fuel industry to immediately massively reduce and stop any executing of fossil fuel (coal, oil, gas) production
 2. Order to instead immediately invest huge amounts in renewable energy production
 3. Order to stop any lobbying for allowances for fossil fuel production
 4. Order to all CEOs of fossil fuel industry and all other industry to fix climate protection investments and measurements as absolutely prior to economic profit and growth
 5. Order to all CEOs of fossil fuel industry and all other industry to intensively invest according to the goals of PA and sustainable development goals
 6. Order to all CEOs of fossil fuel industry and all other industry to intensively support the Planetary Green Deal
- d)
1. Order the Member States of WTO to officially accept the international law primacy of the PA as new “ius cogens” (Art. 53, 64 VCLT) over the still governing WTO free trade, economic growth and maximum profit primacy in Art. XX GATT
 2. Order to renew Art. XX GATT according to the PA’s absolute primacy of climate protection measurements
 3. Order to renew all bilateral or multilateral trade agreements according to the PA’s absolute primacy of climate protection measurements to anyway ending economic growth and disastrous maximum profit or even to withdraw all current Free Trade Agreements as null and void.
 4. Order to stop and revoke all Investor State Dispute Settlement Agreements as not according to the PA’s absolute primacy of climate protective measurements over investors profit interests
 5. Order to massively reduce and stop all kind of virtual finance products
 6. Order to most ambitiously and immediately transform the whole world economy into a climate protective economy (Planetary Green New Deal)
- e)
1. Order to stop Brazilian Proposed Law 191 and any variations
 2. Order to stop any further destruction of Brazilian rain forest,
 3. Order to ban to cut and/or burn any further tree of the rain forest,
 4. Order to effectively prosecute past illegal rain forest land grabbing and transformation into cattle or farm or mining land
 5. Ban future illegal rain forest land grabbing and transformation into cattle, agro or mining land
 6. Order official de-legitimation of illegal and criminally gained and destroyed rain forest land and restitution to indigenous people
 7. Order reforestation on illegal gained rain forest land
 8. Order to absolutely protect indigenous people and indigenous rain forest land from economic and trade destruction
 9. Order to stop any further expansion of mining, farming, agro industry and infrastructure within the Brazilian rain forest especially for to serve EU-MERCOSUR-Free Trade Agreement
 10. Order to at once stop EU-MERCOSUR-Free Trade Agreement

11. Order to stop any agro industry in the UN-protected Pantanal marshland

To E.

The ICC immediately builds

1. An “international ICC-Task-Force against Global Genocide”
2. An “international ICC-Task-Force against Industrial Destruction of Rain Forests”

To most recently gather comprehensive information about the details of crime committing by offering

- a) Amazon Watch
- b) Mighty Earth
- c) Greenpeace International
- d) Amnesty International
- e) Fridays for Future International
- f) Scientists for Future International
- g) IPCC
- h) UNEP
- i) UNHRC/AC
- j) UNICEF
- k) UNCTAD
- l) UNFCCC, COP
- m) ECCHR
- n) Local NGOs
- o) International climate lawyers
- p) NN.

- a platform to serve information from all over the world about committers of Global Genocide and their helpers for the ICC to most immediately start investigations, bring to court etc,
- a close cooperation and
- a discussion about most efficient provisional protection measurements to most urgently be decided by the ICC

Reasons:

A.

As there are already over 150 serious “main accused” of Global Genocide and Crime against Humanity on the enclosed list, here there can be just explained the most important points of interest. All further relevant details will then be served and proved within the “International ICC-Task-Force against Global Genocide” and the “International ICC-Task-Force against industrial Destruction of Rain Forests”.

The most important arguments for the high urgency for the Chief Prosecutor of the ICC to immediately start action to protect whole mankind from global genocide are the following:

The international cooperation of UN Member States have in 2015 bravely reached a consensus about fighting climate catastrophe and destruction of whole mankind by agreeing the duty of fast active reducing GHG emissions to net zero to stop global warming at 1.5° or less than 2°.

https://unfccc.int/files/essential_background/convention/application/pdf/english_paris_agreement.pdf

But since then the majority of states with high economic interests in intensive fossil fuel subsidies, production, profits and consumption and high economic interests to let destroy rain forests massively blockade the further UN climate change process by boycotting further decisions, especially at COP 25, and – in a hidden way – even massively counteract and neutralize the positive effects of PA's Nationally Determined Contributions (NDCs) by massive further fossil fuel production.

This is most detailed and profound reported in the brilliant first UNEP Production Gap Report 2019 from 20th November 2019.

<https://www.unenvironment.org/resources/report/production-gap-report-2019>

So the UN consensus way to united and most ambitiously protect mankind from extinction is gone and realistically will not come back in time to save mankind!

As a consequence mankind has to stop inefficient begging for action.

And mankind should as well stop discussing CO₂ taxes. Their implementation will not only be much too slow and inefficient, the price of CO₂ in relation to renewable energy can easily be further manipulated by hidden subsidies as has been before since decades.

So the more or less only focussing of COP 25 and 26 on fixing CO₂ taxes is a big waste of time, time that we are running out, and it is even most inefficient.

As a consequence mankind should at once change and realize that there are existing most efficient legal instruments to force the immediate and most ambitious fulfilment of PA and so save the survival of mankind.

These instruments are the active protection of mankind by the ICC against Genocide and Crime against Humanity according to the Rome Statute, the Convention on the Prevention and Punishment of the Crime of Genocide and Customary International Law.

So as all other international institutions, first of all the UN, are dependent on consensus decisions, they are not able to make all Heads of states, companies and finance fulfil the PA as fast and as ambitious as ever possible, it is the ICC, which has to act by international criminal law.

The ICC has at once to start official investigations against committers of not fulfilling, acting against and blockading the PA as well as planners, orderers, instigators, aids and joint participators (Art.25 Rome Statute), because of global genocide, acc. Art.6 (c) Rome Statute as well as Crime against Humanity, acc. Art.7 (1) b Rome Statute.

And the ICC has as well to act by ordering provisional protection measurements acc. Art.68 Rome Statute to most efficiently protect mankind against starting global genocide.

Meanwhile the urgency for action has massively emerged because of two main reasons:

- 1. The year 2020 is the year when latest the carbon emissions have to be very massively be reduced to meet the 1,5° or 2° goal to survive – but carbon emissions in total opposite massively rise because of planned huge further coal, oil and gas production.**
- 2. The industrial destruction of the Brazilian rain forest of ca. 17-19% may reach its “Tipping Point” of 20-25% already in 2021 with the then unstoppable (!!!) consequence of Brazilian rain forest-Collapse and its dry and die-destruction within next decades. This would be the - very soon - end of mankind!**

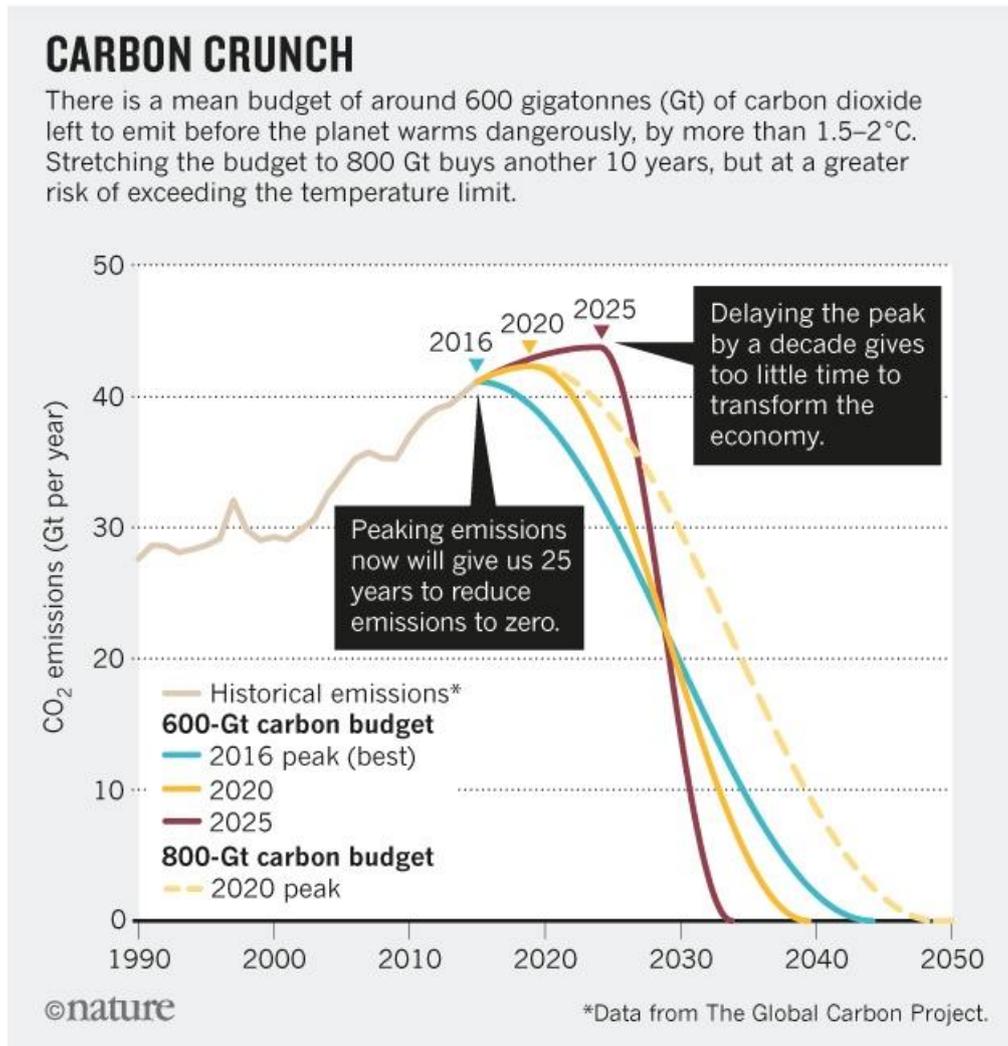
Hundreds of most serious scientific reports of most recommended climate institutes, NGOs like Greenpeace, Amnesty International and Amazon Watch, hundreds of thousands school strikers from Fridays for Future all over the world on a one year permanent Fridays strike, the decision of a climate emergency of towns, metropolises and whole countries all over the world, rising heat, storm and flood catastrophes as well as millions of climate refugees, drying and dying trees in gardens, towns, fields and woods all over Europe and the world, 20° heat in the arctic instead of 0° with dramatically melting polar ice masses, threatening ecological “tipping points”, an already reached average global temperature rise of 1,5°, the man made apocalyptic and further burning of the Brazilian rain forest, the still ongoing fire storms in Australia and even - long awaited - current statements of the WEF, IMF, World Bank, BlackRock and JP Morgan Chase do prove most clearly that the change of climate, the high danger of a soon climate collapse and so the most serious danger of extinction of whole mankind is no distant problem in 2100 but is blank and bitter reality here and now and everywhere on earth.

And there is one worldwide commonly found solution for to efficiently and successfully fight the climate catastrophe, the fulfilling the duties of the PA as most ambitiously and soon as possible.

But at the same time, governments, investors and fossil fuel producers massively go on to allow, subsidise, fund and produce more and more amounts of fossil fuels though according to the PA they - in direct opposite - should be massively reduced - starting latest in 2020 - and nearly vanished until 2050 or earlier.

As to be seen in the so called “Carbon Crunch” Curve, exactly now – in 2020 – the massive reduction of CO₂ emissions have to crunch downwards very massively, if the PA’s goal to keep the global warming at 1,5° or even 2° to stop climate catastrophe and extinction of mankind should be followed.

A further rising of CO₂ emissions would make it absolutely impossible to catch the goal of stopping global heating and stopping the extinction of mankind!!!

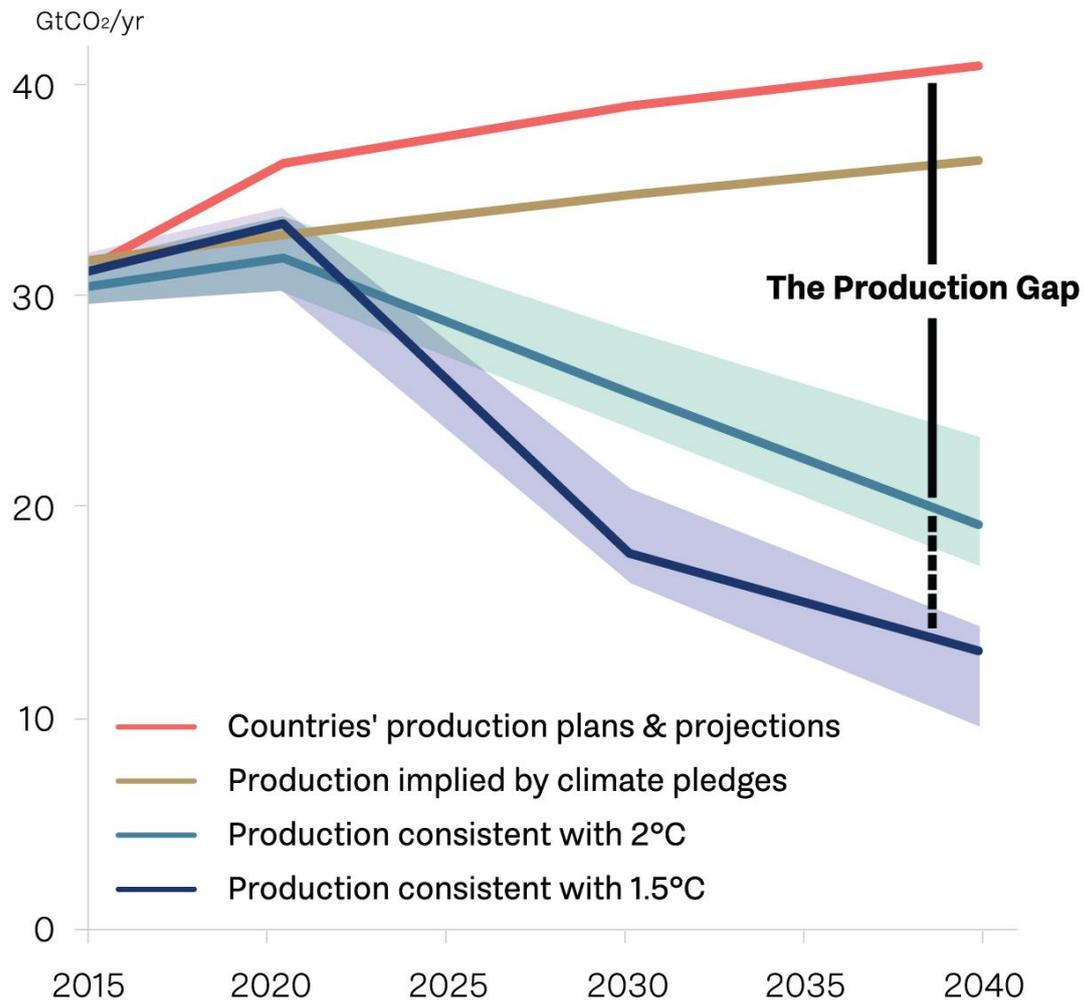


But in blank opposite to these brutally clear findings of climate scientists the current fossil fuel production is massively rising, as most thankfully has been - as well brutally clear - reported in the UNEP Production Gap Report 2019.

<https://www.unenvironment.org/resources/report/production-gap-report-2019>

Here we have the “Carbon Crunch” Curve with the 1.5° and 2° goals in relation to the executed and planned “Carbon Rise Disaster” curve since (and against!) the PA in 2015:

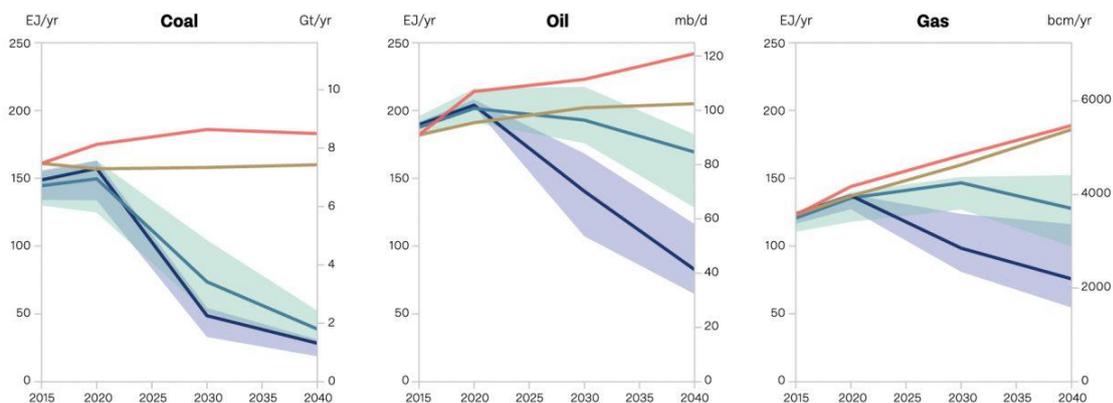
Global fossil fuel CO₂ emissions



Source: UNEP Production Gap Report 2019

<https://www.unenvironment.org/resources/report/production-gap-report-2019>

And in the report there are as well the carbon disaster curves individually reflecting the since (and against!) the PA executed and planned production of coal, oil and gas.



Source: UNEP-Production Gap Report 2019

Hereafter a sure and soon extinction of mankind is committed by chiefs of governments, investors and industries, who subsidize, fund, consume, profit from and/or execute fossil fuel production.

B.

These carbon crunch curves further do include the regular carbon reduction by giant carbon sinks like the Brazilian rain forest, as it continuously absorbs a high amount of carbon.

In case of vanish of the Brazilian rain forest, the natural carbon reduction is missing and the carbon crunch curve of allowed carbon emissions would have to be corrected to an even much steeper crunch downwards. It is unrealistic, that mankind would succeed in this.

So the function of the Brazilian rain forest to naturally reduce carbon emissions and so function as a huge carbon sink is crucial for the further existence of mankind.

The Brazilian rainforest has six most important functions for the stability of the planet:

1. The function of a global carbon sink
2. The function of a massive producer of oxygen (“Lungs of Earth”)
3. The function of a huge self-producing rain and dust system (evapotranspiration)
4. The function of cooling down the troposphere
5. The function of host of the globally biggest biodiversity including medical plants
6. The function of home of indigenous peoples as wise “guards of the rain forest”

As already comprehensively reported in my charge of crime of global genocide against the Brazilian President Jair Bolsonaro of 3rd of December 2018

https://www.vrany.de/fileadmin/downloads/global_genocide_by_Pr_Jair_Bolsonaro-final.pdf

he aims to open the Brazilian rain forest to a massive economic and maximum profit orientated commercialisation by wood and infrastructure industry, cattle and beef industry, agro and chemical industry and mining industry.

Though most of the Brazilian rain forest land is legally protected indigenous land he openly encourages gold miners, farmers, loggers, beef and agro industry to illegal claim this land and cut down the rain forest trees, burn down their left roots, even burn down huge areas of forest to gain most profitable land for industry or destroy and poison the forest and water by most aggressive mining and oil drilling.

There are most comprehensive findings about the international system of wood, beef, soy and infrastructure industry as well as food processing and selling industry which massively expands and systematically destroys the Brazil Rain Forest:

The NGO “Mighty Earth” has very detailed evaluated the international companies which massively and very aggressively expand into Brazil Rain Forest land to produce in industrial scale and which finance institutes and food and retail companies support this by financing and/or buying their products:

<https://stories.mightyearth.org/amazonfires/index.html>



Source: Mighty Earth

For this industry to even massively more expand into the Brazilian rain forest, Bolsonaro openly encourages to kill indigenous people who want to protect their land against these organized, most criminal companies and illegal invaders.

The EU-Commission supports and participates in this criminal international organization by trying to fix the EU-MERCOSUR Free Trade Agreement.

But as the main points of the agreement are: much more Brazilian beef (18.000.000 kilos) and soy (by more destruction of the Brazil rain forest) in change for massive amounts of German agro chemicals (which are forbidden in the EU as most poisoning), for German agro and deforestation machines and for huge amounts of German poisoning Diesel-cars.

As a consequence, the EU-MERCOSUR Free Trade Agreement so massively offends the PA that several EU-Member States as well as constant and rising public protests have clearly expressed their absolute rejection of the agreement.

But the EU-Commission nevertheless works hard to press it through. So their members are willingly and massively acting against the PA, and – at least because of the international protests - very clear knowing about the most disastrous consequences for mankind.

<https://www.topagrar.com/management-und-politik/news/kommission-haelt-an-mercosur-abkommen-fest-11948737.html>

<https://www1.wdr.de/daserste/monitor/videos/video-wie-das-mercosur-abkommen-den-klimaschutz-gefaehrdet-100.html>

<https://www.gerechter-welthandel.org/2019/12/17/sieben-gruende-gegen-das-eu-mercosur-abkommen/>

<https://www.freitag.de/autoren/klute/stopp-eu-mercosur-handelsabkommen>

When in last summer/autumn the emerging fires of Brazilian rain forest have been set to illegal clear and claim rain forest land whole world shouted cries of horror when watching the pictures and films of apocalyptic burning rain forests.

But Bolsonaro justified his politics in front of the UN General Assembly as lawful national right to gain further commercial success and prosperity in Brazil. And he insists to deny the importance of the rainforest for climate stability as well as the existence and mankind threatening danger of climate change.

He as well refused international help to fight the fires.

The current situation is that he in January tried to implement the proposed law 191/2020 which would legalize the claiming of indigenous rain forest land for mining, water energy projects, industrial farming and exploration of oil and gas, which would be a fundamental aggression against the elements of live of the indigenous peoples:

https://amazonwatch.org/news/2020/0220-bolsonaro-threatens-the-indigenous-right-to-be?utm_source=Amazon+Watch+Newsletter+and+Updates&utm_campaign=986c2b98fd-2019-07-29-

[bolsonaros deadly brazil COPY 01&utm_medium=email&utm_term=0_e6f929728b-986c2b98fd-342223201&mc_cid=986c2b98fd&mc_eid=e2d904d19e](https://www.reuters.com/article/us-brazil-indigenous-mining/brazils-bolsonaro-moves-to-free-mining-hydro-dams-on-indigenous-lands-idUSKBN1ZZ2TG)

<https://www.reuters.com/article/us-brazil-indigenous-mining/brazils-bolsonaro-moves-to-free-mining-hydro-dams-on-indigenous-lands-idUSKBN1ZZ2TG>

<https://www.theguardian.com/world/2020/feb/06/brazil-bolsonaro-commercial-mining-indigenous-land-bill>

<https://colombiacheck.com/especiales/tierra-resistentes/es-co/>

Because of massive protests the proposed law now first should be reviewed:

<https://www.gfbv.de/de/news/wichtiger-etappensieg-fuer-brasiliens-indigene-9937/>

But this does not mean that the proposed law will be withdrawn. It has to be feared that – in the profit interest of the above most mighty industry - the law will massively be pushed through in another unexpected moment without public attention.

So this proposed law has to be withdrawn and forbidden by the ICC for the sake of the existential rights and the chance of survival of the Brazilian indigenous peoples.

This proposed law has as well to be withdrawn and forbidden for to absolutely protect the rest of the Brazilian rain forest to survive as well as the survival of whole mankind.

And because scientists have found the Brazilian rain forest has up to now lost 17-19% of its magnitude by the massive fires. But already at a loss of 20-25% of its magnitude the Brazilian rain forest's ecological systems and functions may collapse!

This is expected by scientists in 2021!!!

https://m.focus.de/wissen/natur/kohlenstoff-katastrophe-warum-der-amazonas-regenwald-in-2-jahren-verloren-ist_id_11298270.html

<https://www.piie.com/sites/default/files/documents/pb19-15.pdf>

<https://www.suedkurier.de/ueberregional/wissenschaft/Dem-Regenwald-droht-der-Kollaps-Klimawandel-und-Brandrodungen-hinterlassen-tiefe-Spuren-am-Amazonas;art1350069,10410350>

<https://www.nytimes.com/2019/08/30/world/americas/amazon-rainforest-fires-climate.html>

[https://www.washingtonpost.com/gdpr-](https://www.washingtonpost.com/gdpr-consent/?next_url=https%3a%2f%2fwww.washingtonpost.com%2fclimate-environment%2ftop-scientists-warn-of-an-amazon-tipping-point%2f2019%2f12%2f20%2f9c9be954-233e-11ea-bed5-880264cc91a9_story.html)

[consent/?next_url=https%3a%2f%2fwww.washingtonpost.com%2fclimate-](https://www.washingtonpost.com/gdpr-consent/?next_url=https%3a%2f%2fwww.washingtonpost.com%2fclimate-environment%2ftop-scientists-warn-of-an-amazon-tipping-point%2f2019%2f12%2f20%2f9c9be954-233e-11ea-bed5-880264cc91a9_story.html)

[environment%2ftop-scientists-warn-of-an-amazon-tipping-](https://www.washingtonpost.com/gdpr-consent/?next_url=https%3a%2f%2fwww.washingtonpost.com%2fclimate-environment%2ftop-scientists-warn-of-an-amazon-tipping-point%2f2019%2f12%2f20%2f9c9be954-233e-11ea-bed5-880264cc91a9_story.html)

[point%2f2019%2f12%2f20%2f9c9be954-233e-11ea-bed5-880264cc91a9_story.html](https://www.washingtonpost.com/gdpr-consent/?next_url=https%3a%2f%2fwww.washingtonpost.com%2fclimate-environment%2ftop-scientists-warn-of-an-amazon-tipping-point%2f2019%2f12%2f20%2f9c9be954-233e-11ea-bed5-880264cc91a9_story.html)

<https://advances.sciencemag.org/content/4/2/eaat2340/tab-pdf>

<https://www.vox.com/2019/8/27/20833275/amazon-rainforest-fire-wildfire-dieback>

<https://www.suedkurier.de/ueberregional/wissenschaft/Dem-Regenwald-droht-der-Kollaps-Klimawandel-und-Brandrodungen-hinterlassen-tiefe-Spuren-am-Amazonas;art1350069,10410350>

https://www.nature.com/articles/d41586-020-00508-4?utm_source=Nature+Briefing&utm_campaign=0e3dab548d-briefing-dy-20200226&utm_medium=email&utm_term=0_c9dfd39373-0e3dab548d-43544845

Hereafter the Brazilian rain forest must absolutely and most powerfully be protected against President Bolsonaro's massive attacks as well as against the cattle, agro and mining industry and their financing institutes to avoid the collapse of the Brazilian rain forest and so to achieve the protection of the Brazilian indigenous peoples as well as whole mankind against global genocide!

The PA has very clear enclosed the protection of carbon sinks to save mankind.

In sentence 12 of the preamble to the Agreement

“The Parties to this Agreement”...”Recognizing the importance of the conservation and enhancement, as appropriate, of sinks and reservoirs of the greenhouse gases referred to in the Convention”...”Have agreed as follows”:... .

Article 4

1. In order to achieve the long-term temperature goal set out in Article 2, Parties aim to reach global peaking of greenhouse gas emissions as soon as possible, recognizing that peaking will take longer for developing country Parties, and to undertake rapid reductions thereafter in accordance with best available science, so as to achieve a balance between anthropogenic emissions by sources and removals by sinks of greenhouse gases in the second half of this century, on the basis of equity, and in the context of sustainable development and efforts to eradicate poverty.”

Article 5

1. Parties should take action to conserve and enhance, as appropriate, sinks and reservoirs of greenhouse gases as referred to in Article 4, paragraph 1 (d), of the Convention, including forests.

So as the industrial destruction of the Brazil Rain forest is most obviously massively counteracts the PA and will cause the extinction of mankind, the ICC has to act and stop this at once.

C.

Whether the accused persons have committed genocide has to be examined by the objective and mental elements of crime of Art. 6 Rome Statute:

Article 6 Genocide

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;

...

Before the Rome Statute of the International Criminal Court came into force in 2002, the 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.

The objective elements of crime of genocide are relatively clear met by all accused.

The “inflicting on” “a national, ethnical, racial or religious group” “conditions of live”...”to bring about its physical destruction in whole or in parts” is committed by actively putting whole mankind (as maximum of all national, ethnical, racial or religious groups) into the live condition of climate collapse and unbearable heat temperatures which will bring about its physical destruction in whole.

Genocide can be committed by acting or by omission of acting, if there is a duty to act to avoid genocide (Werle/Jeßberger, Völkerstrafrecht, 4.A. Rn 741 ff)

Here we have the duties of the PA to avoid genocide, even global genocide.

So to actively act against the duties of the PA (by destroying carbon sinks or by rising instead of reducing carbon emissions) as well as to omit to fulfil the duties of the PA, to omit to most ambitiously fulfil the duties of the PA or to omit to efficiently fulfil the duties of the PA is judged as committing genocide.

Hereafter to kill members of indigenous peoples and to call for even more killing and/or to destroy the Brazilian rain forest as their base of living is obviously committing genocide.

The mental elements of crime are to act by “deliberately inflicting on the group conditions of live calculated to bring about its destruction”... “with intent to destroy” the group in whole or in part”

The “intent to destroy in whole or in part” requires a so called specific intent or “dolus specialis”.

(Triffterer/Ambos, The Rome Statute of the International Criminal Court, Commentary, 4th Ed., Art. 6, Rn.7).

This “demands that the perpetrator clearly seeks to produce the act charged”.
(Ibid)

But no accused person will confess to have had the intent to destroy mankind and no documents are seen to give evidence to such a special intent.

Only in the case of Bolsonaro there are many documents, which proof, that he really aims to kill and encourages many people to kill indigenous people with guns (See above).

So Bolsonaro very clearly fulfils the objective as well as mental elements of crime of genocide.

Concerning all accused, who, as has been pointed out above, do in various groups and cooperation of groups, act commonly as criminal organisations.

Within the definitions of the mental elements of crime in Art. 25 Rome Statute, acting as a group is defined as a form of committing crimes of the Rome Statute:

Article 25 Rome Statute:

Individual criminal responsibility

1. The Court shall have jurisdiction over natural persons pursuant to this Statute.

2. A person who commits a crime within the jurisdiction of the Court shall be individually responsible and liable for punishment in accordance with this Statute.

3. In accordance with this Statute, a person shall be criminally responsible and liable for punishment for a crime within the jurisdiction of the Court if that person:

(a) Commits such a crime, whether as an individual, jointly with another or through another person, regardless of whether that other person is criminally responsible;

(b) Orders, solicits or induces the commission of such a crime which in fact occurs or is attempted;

(c) For the purpose of facilitating the commission of such a crime, aids, abets or otherwise assists in its commission or its attempted commission, including providing the means for its commission;

(d) In any other way contributes to the commission or attempted commission of such a crime by a group of persons acting with a common purpose. Such contribution shall be intentional and shall either:

(i) Be made with the aim of furthering the criminal activity or criminal purpose of the group, where such activity or purpose involves the commission of a crime within the jurisdiction of the Court; or

(ii) Be made in the knowledge of the intention of the group to commit the crime;

(e) In respect of the crime of genocide, directly and publicly incites others to commit genocide;

In case of **genocide committed as a group**, the commentary quotes the state of court decision, that in this case, **there is no ‘special intent’ affordable to be liable for genocide**:

“Although insisting upon ‘specific intent’ with respect to genocide, this is not a requirement when acts of complicity in genocide, such as aiding and abetting, are concerned.

The ICTY Appeals Chamber has also found that it is possible to commit genocide as part of a ‘joint criminal enterprise’, a concept applied by the ad hoc tribunals that correspond to ‘common purpose participation’ as set out in article 25 para. 3 (d) Rome Statute.

To some judges, it had appeared that a conviction for genocide, which requires proof that the offender committed acts ‘with intent to destroy the group, in whole or in part’, was theoretically incompatible with the entire concept of joint criminal enterprise.

However, the Prosecutor successfully challenged one of these rulings, and the ICTY Appeals Chamber has established that convictions for genocide are possible under ‘joint criminal enterprise’ mode of liability.

(Ibid, Rn 8 with further references)

It should be no doubt that all accused deliberately did not fulfil the duties of the PA, did not most ambitiously or not efficiently fulfil the duties of the PA or even deliberately acted against the duties of the PA.

Especially the deliberately acting against the duties of the PA is very clear to be examined in a most efficient cooperative way in all cases of continuing giving subsidies, giving new fossil extraction allowances, starting new fossil fuel productions or destroying a global carbon sink, and so has to be judged a 'joint criminal enterprise'.

Further the "industrial destruction" of the Brazilian rain forest by a complot of government, wood, beef, agro, mining and infrastructure industry as well as by the most encouraging and supporting EU-MERCOSUR FTA by the EU-Commission are very clearly to be judged as 'joint criminal enterprises'.

So as we can state that all persons which are accused to not fulfil the duties of PA or act massively against it and so knowingly cause soon climate collapse and so the extinction of whole mankind, act in one or several other joint criminal groups of other (in this respect) accused persons, do as a 'joint criminal enterprise' commit genocide against whole mankind.

Hereafter the centrally discussed question, whether persons without provable "intent to destroy a group in whole or in part" as intent of highest degree of deliberation, can be charged of genocide, has to be answered with yes, if they are part of a 'joint criminal enterprise' which act with knowledge of the danger of causing death victims, which further may or surely will destroy the group in whole or in part.

This result is as well quite equivalent to the general classification of genocide as an 'offence of abstract endangerment'.

(Kreß in MüKo STGB 2017, Bd 8, § 6 Rn7)

And it takes into account the higher criminal danger occurring from a joint group because of the group dynamic effect of dangerous and risky acting as a group, because of the lack of personal acknowledgement of individual responsibility.

In light of the present and even global genocide involving all of humankind – currently approx. 7.6 billion people of all ages – , the fact of legal liability of all members of 'joint criminal enterprises' is most important for mankind.

After all the ICC is ordered by law to immediately stop this global genocide by starting official investigation against the offenders.

D.

The ICC is further able to order provisional protection measurements according to Art. 68 Rome Statute.

Here there are first of all addressed survival victims and witnesses of local genocide who need personal protection against further life attacks.

But as we have a global genocide on the agenda there are very urgently needed life protection measurements for all mankind.

As global genocide is being committed by omitting to fulfil the duties of the PA or act against them, the content of the urgently needed protection measurements should be to order to immediately fulfil these so far omitted duties.

So the draft measurements, we have offered for discussion, have orientated on this.

E.

The ICC may as well build an “International ICC-Task-Force against Global Genocide” as well an “International ICC-Task-Force against Industrial Destruction of Rain Forests”.

As the urgently needed actions, deep investigations, examinations and decisions of the ICC are extremely comprehensive, there will be needed intensive support and detailed expertise on special cases as well as advice from IPCC and others according to strategy and details of provisional protection measurements.

Further the official building of two ICC-Task-Forces to save the Brazilian rain forest and climate as well as mankind will send a very positive and most encouraging signal to people all over the world who desperately seek for “climate justice” and will cheer to cooperate with the ICC-Task-Forces to all together achieve the survival of mankind.

With reference to the highest urgency because of the very near date of “Tipping Point” of the Brazilian rain forest, the starting “next season” of aggressive destruction of the rain forest as well as the massive rise instead of intensive reduction of fossil fuel production please offer us a soon date for discussing the above most serious problems and appropriate solutions with you and your team.

For further details please contact me.

Thank you so much.

Respectfully yours,

Gisela Toussaint
Attorney-at-law