

Evidence of Genocide

We assert that members of HM armed forces committed genocide against the Iraqi people, which conduct constitutes a serious crime in domestic law under sections 51 and 52 of the International Criminal Court Act 2001 (ICCA)

Facts

By using high-explosive, indiscriminate weapons such as cruise missiles, rockets, cluster bombs, depleted uranium tipped artillery shells and mortars against targets in Iraq, American and British armed forces knowingly and deliberately caused the deaths of at least 78,000 Iraqi men, women and children.

We contend that these killings were carried out with intent to destroy members of the Iraqi national group. The grounds for describing these deaths as intentional as defined in Article 66.3 (a) of the Act are that officers of HM forces gave orders to fire weapons that when detonated or hitting the target would result in the deaths of individuals within the vicinity of the explosion; and that this awareness of the mortal consequences of their actions on Iraqi citizens constituted “intent to destroy members of a national group” and as such is a crime of genocide.

We assert that Prime Minister: Tony Blair, the then Foreign Secretary: Jack Straw, Geoff Hoon, members of the cabinet and other members of the HM Government engaged in genocide and conduct ancillary to genocide against the Iraqi people, which constitutes serious crime in English law under sections 51 and 52 of the ICCA.

Facts

Analysis of Governmental affairs shows that Tony Blair decided in 2002 to form a coalition with the Government of the United States of America to undertake the invasion and occupation of Iraq. In a vote in Parliament on March 18th 2003, 412 MPs voted in favour of war knowing that armed attacks by Coalition forces using high-explosive weapons would result in the death and injury of Iraqi Citizens.

Evidence of foreknowledge of the crime.

Evidence of foreknowledge that the outcome of their decision would result in the deaths of innocent Iraqi civilians is contained in the final two paragraphs of the speech by Jack Straw in Parliament on March 18th 2003 (Hansard Vol 401 No.65 Page 902).

“But as elected Members of Parliament, we all know that the we will be judged not only on our intentions, but on the results, the consequences of our decisions....Yes of course there will be consequences if the House approves the Government’s motion. Our forces will almost certainly be involved in military action. Some may be killed; so too, will innocent Iraqi civilians....I urge the House to vote with the Government tonight.”

We contend that the conduct of Tony Blair, Jack Straw, Gordon Brown, John Prescott, members of the Cabinet, the Attorney General, 412 MPs and others in planning and undertaking the armed invasion and occupation of Iraq in which tens of thousands of Iraqi citizens were killed constitutes the crimes of genocide and conduct ancillary to genocide in English criminal law.

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International Criminal Court Act 2001

England and Wales

51 Genocide, crimes against humanity and war crimes

(1) **It is an offence against the law of England and Wales for a person to commit genocide, a crime against humanity or a war crime.**

(2) This section applies to acts committed—

(a) in England or Wales, or

(b) outside the United Kingdom by a United Kingdom national, a United Kingdom resident or a person subject to UK service jurisdiction.

52 Conduct ancillary to genocide, etc. committed outside jurisdiction

(1) **It is an offence against the law of England and Wales for a person to engage in conduct ancillary to an act to which this section applies.**

(2) This section applies to an act that if committed in England or Wales would constitute

(a) an offence under section 51 (genocide, crime against humanity or war crime), or

(b) an offence under this section,

but which, being committed (or intended to be committed) outside England and Wales, does not constitute such an offence.

(3) The reference in subsection (1) to conduct ancillary to such an act is to conduct that would constitute an ancillary offence in relation to that act if the act were committed in England or Wales.

(4) This section applies where the conduct in question consists of or includes an act committed

(a) in England or Wales, or

(b) outside the United Kingdom by a United Kingdom national, a United Kingdom resident or a person subject to UK service jurisdiction.

SCHEDULE 8 GENOCIDE, CRIMES AGAINST HUMANITY AND WAR CRIMES:

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:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

66. Mental element.

- (3) For this purpose
 - (a) a person has intent-
 - (i) in relation to conduct, where he means to engage in the conduct, and
 - (ii) in relation to a consequence, where he means to cause the consequence or is aware that it will occur in the ordinary course of events; and
 - (b) “knowledge” means awareness that a circumstance exists or a consequence will occur in the ordinary course of events

On 4th May 2004 the Secretary of State issued Statutory Instrument 2004 No 1080 The International Criminal Court Act 2001 (Elements of Crimes) Regulations defining the elements of the crime of genocide. The relevant section states:

Genocide by killing

Elements

1. The perpetrator killed [4] one or more persons.
2. Such person or persons belonged to a particular national, ethnic, racial or religious group.
3. The perpetrator intended to destroy, in whole or in part, that national, ethnic, racial or religious group, as such.
4. The conduct took place in the context of a manifest pattern of similar conduct directed against that group or was conduct that could itself effect such destruction.

Notes [4] The term killed is interchangeable with the term "caused death"

55 Meaning of “ancillary offence”

- (1) References in this Part to an ancillary offence under the law of England and Wales are to—
 - (a) aiding, abetting, counselling or procuring the commission of an offence,
 - (b) inciting a person to commit an offence,
 - (c) attempting or conspiring to commit an offence, or
 - (d) assisting an offender or concealing the commission of an offence.
- (2) In subsection (1)(a) the reference to aiding, abetting, counselling or procuring is to conduct that in relation to an indictable offence would be punishable under section 8 of the Accessories and Abettors Act 1861 (c. 94).
- (3) In subsection (1)(b) the reference to incitement is to conduct amounting to an offence of incitement at common law.
- (4) In subsection (1)(c)—
 - (a) the reference to an attempt is to conduct amounting to an offence under section 1 of the Criminal Attempts Act 1981 (c. 47); and
 - (b) the reference to conspiracy is to conduct amounting to an offence of conspiracy under section 1 of the Criminal Law Act 1977 (c. 45).
- (5) In subsection (1)(d)—
 - (a) the reference to assisting an offender is to conduct that in relation to an arrestable offence would amount to an offence under section 4(1) of the Criminal Law Act 1967 (c. 58); and
 - (b) the reference to concealing an offence is to conduct that in relation to an arrestable offence would amount to an offence under section 5(1) of that Act.

Section 9 of the Accessories and Abettors Acts 1861 states:

8. Abettors in misdemeanors

Whosoever shall aid, abet, counsel, or procure the commission of any indictable offence, whether the same be an offence at common law or by virtue of any Act passed or to be passed, shall be liable to be tried, indicted and punished as a principal offender.

For a complete version of the International Criminal Court Act 2001, please visit:

http://www.opsi.gov.uk/acts/acts2001/ukpga_20010017_en_1