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In the name of and by power of attorney of Ms. Marianne Grimmerstein-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:**

elected President of Brazil, Mr. Jair Bolsonaro

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, by

1. Planning and announcing to leave the UN Paris Agreement
2. Planning and announcing to build an asphalt road through the Brazil rain forest national park
3. Planning and announcing to shut down national agencies which protect the Brazil rain forest
4. Planning and announcing to merge the national office of environment and the national office of agriculture

5. Planning and announcing to let destroy most part of the Brazil rain forest by projects of the mining, agro and cattle breeding industry
6. Planning and announcing to give industrial projects priority to environmental protection.

These plans and announcements of the accused have been officially published and discussed worldwide by the international press.

## **Grounds**

The Brazil rain forest is seen by the vast majority of international experts as well as global governments and international public as the “Lungs of the Earth”.

Because they are the most important “sinks of greenhouse gases” on earth.

And these “sinks of greenhouse gases” belong to the essential and most important elements of solutions against the climate change catastrophe.

Therefore these “sinks of greenhouse gases” are explicitly quoted several times in the UN Paris Agreement:

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.”**

## **Background:**

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.

**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.**

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<sub>2</sub> 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<sub>2</sub>, instead of cutting emissions very radically, the maximum amount of CO<sub>2</sub> 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, economic, financial and even legal elites of this world.**

**And we have a very simple calculation as base for to realize that to eliminate the most important sink of greenhouse gases out of the system will bring the whole calculation to collapse.**

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.

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>

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 saving of the huge nature sinks of greenhouse gases and 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.

To keep the balance the still remaining CO<sup>2</sup>-emission surplus needs permanently to be neutralized by the huge natural sinks of greenhouse gases like the Brazil rain forest as the biggest and most important sink on earth.

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.

This most ambitious aim cannot be reached without strictly saving and even expanding natural sinks of greenhouse gases like the Brazil rain forest. A cut down of the Brazil rain forest would cause an immediate collapse of the global climate system.

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.

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 expeditiously 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.

**The accused "creates", as shall be explained in due course,**

- a) by withdrawing from the Paris Agreement and/or**
- b) by committing grievous violations against the Paris Agreement by destroying the Brazil rain forest,**

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

,And he makes himself 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.

There is no serious doubt, that the announced plans of the accused, which culminate in the soon and total destruction of the Brazil rain forest, would very soon cause the total collapse of the global climate because the biggest and most important “sink of greenhouse gases” has vanished.

So it is extremely naïve of the German Minister of Environment, Svenja Schulze, to believe and express, that all other UN member states may successfully fight climate change without the Brazil and US American cooperation and without the huge greenhouse gas sink effect of the Brazil rain forest.

Reality would be the collapse of the global climate, caused by total destruction of the Brazil rain forest. And this will very soon cause the total destruction of global mankind.

**So the physical elements of crime of global genocide and crime against humanity are to be accorded.**

Under present consideration the accused has most evidently made himself 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.

It is incumbent upon the Public Prosecutor’s Office at the International Court of Justice at The Hague, to immediately open an extensive criminal investigation in order to precisely define and identify the perpetrator’s concern, in addition to the respective state and extent of his knowledge of the crime, as well as the degree of premeditation and forms of perpetration.

**Further there are as well needed intensive investigations concerning potential instigators, criminal helpers and collaborators, especially within the Brazil mining, agro and cattle breeding industry.**

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.

This is 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.

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 by, most notably, using and protecting the existing natural “sinks of greenhouse gases”, especially the huge Brazil rain forest national park, the “Lungs of the Earth”!

So for the international community there is no other way to survive than to call the UN Security Council and the ICC for immediate action.

These have immediately to officially start investigations and to as soon as possible officially accuse the elected Brazil President Jair Bolsonaro of committing global genocide and crime against global humanity by planning to destroy the Brazil rain forest as the “Lungs of the Earth”.

**By this most official accusation against Brazil President Jair Bolsonaro – as well as by the official accusations against US-President Donald Trump and others according to the communication document of 26.9.2018 (ICC reference: OTP-CR 533/18) – the crime of global genocide and crime against humanity may successfully be stopped and avoided.**

Respectfully yours,

Gisela Toussaint  
Attorney-at-law