**CRIMINAL INFORMATION**

**[Magistrates’ Courts Act 1980, s.1 ; Criminal Procedure Rules, Part 7]**

 **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ MAGISTRATES’ COURT**

**Date : …… day, ..** *(Date)* **. of** *(month)*  **, 20.. .**

**Accused : Her Majesty’s Secretary of State for Defence**

**Address : Ministry of Defence, Whitehall, LONDON SW1A 2HB**

**ALLEGED OFFENCE**

**Conspiracy to Commit a War Crime**

Being an offence under s.52(1) of the International Criminal Court Act, 2001 (c.17—Part V) (as *amended*) and as that provision is given effect by reason of the further provisions of ss.51(1), 52(2)(*a*)&(4), 55(1)(*c*)&(4)(*b*) of that Act & of s.1 of the Criminal Law Act 1977.

In particular, that the various acts alleged in the Statement of Particulars below, taken together and subject to the further conditions and stipulation as therein set out, if undertaken as alleged, would amount to and constitute, the commission of a war crime, namely the launching of a disproportionate attack;

as that is defined by Article 8(2)(*b*)(iv) of the Rome Statute for an International Criminal Court 1998 (the “Rome Statute”) and as incorporated unaltered into the said Act of 2001 per subs.50(1) & (6) to & Schd.8 thereof.

**Names and addresses of INFORMANT PROSECUTORS**

**appear as set out in the Schedule below**

**Who state(s) that the accused committed the above specified offence of which particulars are given in the Statement of Particulars appearing below**

**Signatures of INFORMANT PROSECUTORS appear**

**as set out in the Schedule below**

 **Taken before me**

 JUSTICE OF THE PEACE / JUSTICES’ CLERK / JUSTICES’ CLERK’S ASSISTANT

 **This . . . . day of . . . . . . . . . . . . .. . . . . . . . . , 2015.**

**STATEMENT of PARTICULARS**

That the accused person, being a Corporation Sole by Statute[[1]](#footnote-2), in consequence and by virtue of the official acts and deeds of the natural person being the incumbent holder in title of that said corporate office, and who is clearly identifiable as the directing mind of the said Corporation, has sought;

to charge, command, order, dispose, enjoin, organise, initiate, and otherwise procure, various components of the armed forces of the Crown to engage in the pursuit of an agreement, entered into by the accused together with other persons, named or otherwise identified, comprising principally (though not exclusively) in the members of the National Security Council, and in the members of the Defence Council as established by Letters Patents signed on Wednesday 17 March 1964 and as those individual members vary from time to time (details of whom and which, for the present time, appear in the bundle attached hereto and marked 'Defence Council' and 'Membership of the National Security Council') ;

and who together, whether as principals or secondary actors, command and control the component elements of a so-called independent British nuclear deterrent force; and relying principally upon the provision, supply, maintenance, targeting and preparedness for hostile use of a number of weapons, namely a specified number of submarine-launched inter-continental ballistic nuclear missiles of the Trident II D5 variety; and,

whereby the accused and at least one or more of those said others, since at least December of 1993, being the date of the initial operational deployment of the first such submarine to carry the said weapons system, have agreed upon and intend to pursue a course of conduct, to be carried out on condition of certain anticipated and foreseen circumstances, comprising in a so-called British hostile nuclear use threshold trigger; and,

whereby the accused and said others would in such circumstances thereby launch an attack, in the knowledge[[2]](#footnote-3) that such an attack would cause incidental loss of life, and/or injury to civilians, and/or damage to civilian objects and/or widespread, long-term and severe damage to the natural environment; and,

further, which would, in some or many instances contemplated, be clearly excessive in relation to any direct and overall military advantage alone which they could reasonably anticipate from such said use.

Full and further particulars will be provided at a later stage covering the scale of civilian deaths, damage to civilian objects and damage to the natural environment consequent upon the use of even a single missile, from the Trident II arsenal as deployed by the Navy, and as used in various targeting scenarios based on information about strategic planning already in the public domain. Information about other individuals involved lower down the nuclear command chain will also be provided as and when necessary.

However, we have provided a few signed witness statements to provide an indication of the kind of particulars we will be providing in much greater detail at that later stage.

**Schedule of Informant Prosecutors**

**We the undersigned solemnly, sincerely and truly state that the above accused person has committed the above specified offence of which the particulars are given in the above Statement.**

Printed Name Address Signature Date

*Continued as needed*

1. As to which see The Defence (Transfer of Functions) Act 1964 [↑](#footnote-ref-2)
2. As this term is interpreted by s.66(3)(b) of the said Act of 2001 [↑](#footnote-ref-3)