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Mr Karim A. A. Khan
ICC Prosecutor
Post Office Box 19519
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Poitiers, September 10th, 2021

Subject: Imprecise and unfair decision of Ms Bensouda and Mr Dillon (of 5-6-21, ref.: OTP-CR-66/21, [PJ no 6](#)) concerning the complaint sent on 15-2-21 to the International Criminal Court (ICC, [PJ no 1](#), EN [PJ no 1.2](#)), and letter sent to member countries of the UN General Assembly [on 5-23-21 ([PJ no 3](#), EN [PJ no 3.2](#))]. [PDF : <http://www.pierregenevier.eu/npdf3-2-21/let-to-ICC-Prosecutor-FR-10-9-21.pdf>; V-EN : <http://www.pierregenevier.eu/npdf3-2-21/let-to-ICC-Prosecutor-EN-10-9-21.pdf>].

Dear Mr Khan,

1. Following the imprecise and unfair decision of Ms Bensouda and Mr Dillon (of 5-6-21, [PJ no 6](#)) concerning the complaint related to the dishonesty of the legal aid (LA) law in France sent on 2-15-21 to the Court [([PJ no 1](#), EN [PJ no 1.2](#)), supplementing the letters of 7-10-20 ([PJ no 5](#), EN [PJ no 5.2](#)) and 11-23-20 ([PJ no 4](#), EN [PJ no 4.2](#))], I take the liberty of writing you this letter (1) to briefly comment on the decision of your predecessor signed by Mr Dillon, and (2) to ask you to take into account (i) the comments presented below (no 2 - 3) and (ii) the letter of 5-23-21 sent to UN member countries [[PJ no 3](#), EN [PJ no 3.2](#)] to reconsider this decision and to launch as quickly as possible phase 2 of the preliminary examination of the complaint presented in the **3 letters** sent between 7-10-20 and 2-15-21.

A Brief comment on the 5-6-21 ICC decision.

2. Your colleague explains ([PJ no 6](#)) that *‘the Court can only have jurisdiction over persons accused of the most serious crimes..., in particular genocide, crimes against humanity... These crimes... are explained in depth in the supporting documents crime ...’*, *‘Based on the information currently available to us, the behavior described in your communication does not appear to meet the strict definitions provided. Therefore, as the allegations do not appear to fall within the jurisdiction of the Court, the prosecutor confirmed that there is currently no basis for further analysis.’*, although, obviously, I used the *Elements of Crimes* document ([PJ no 10](#), EN [PJ no 11](#), placed on the ICC website) since, as shown in the 5-23-21 letter ([PJ no 4, no 8-8.1](#), EN [PJ no 4.2, 8-8.1](#)), I copied from this document the elements of *the crime against humanity of persecution*, and it was not necessary to talk about other crimes than *the crime against humanity of persecution* to which I refer. Then, why say, *according to the information at our disposal*, why not refer directly to paragraphs **7 to 10** of my 11-23-20 letter ([PJ no 4, no 7-10](#), EN [PJ no 4.2, 7-10](#)) which **specifically** address the question of the ICC’s jurisdiction [**based on** ICC documents on the *Elements of crimes* ([PJ no 10](#), EN [PJ no 11](#),) and on ICC legal authorities, *OTP Policy Paper, 2013* ([PJ no 8](#), EN [PJ no 9](#))] and why not say precisely the reasons which, in view of these explanations (and others given also), make the ICC not competent.

3. Finally, why say '*doesn't seem to match*', there are potentially **over 80,000 direct** victims and **billions** of **indirect** victims, so isn't it important to be sure and explain precisely why the ICC is sure that it is not competent. The decision also reminds me that the ICC complements (and does not replace) national courts, and therefore that I should seize the appropriate national court, while the complaint explains that I have already seized **several times** (over a **20 years period**) national courts (and the CEDH), and that they cheated to refuse to judge the question of the systematic violation of the fundamental rights of the poor [see question of **complementarity** discussed in [PJ no 4, no 11-14](#), *inaction of the state*...; and the comments on the national jurisdictions and ECHR decisions in [PJ no 1](#), EN [PJ no 1.2](#) and [PJ no 3](#), EN [PJ no 3.2](#)]; then, the decision explains to me that many serious charges will not be investigated by the ICC, although it is clear (after reading my 3 letters) that I do know it (and that I have read the ICC documents) since I was very precise on this subject in my study of the elements used by the ICC to know if a preliminary examination and an investigation are justified [including the questions of the complementarity and gravity of the accusations (discussed in [PJ no 4, no 15-18](#))]. I understand that I am not an expert in international criminal law like Ms Bensouda and Mr Dillon are, but, at least, **I have made the effort** (a) to read the ICC documents, and (b) explain in detail why I thought the ICC is competent and the complaint is admissible (... and I translated the 3 letters into English to help the ICC read them). This ICC decision is **therefore unfair** to the **many victims** (direct or indirect, and poor or non-poor) of the crime described; it covers up the crime (or serious mistakes) committed or at least the dishonesty of the LA law in France and the dishonesty of French leaders; it insults me because it ignores all the arguments I presented and the long work I have done over many years; and, finally, it prevented me from giving to the member countries of the Security Council (and the UNGA) more details on the merits or not of my accusations or the assurance that a detailed study of the various LA law problems and charges will be made soon ([PJ no 3](#), EN [PJ no 3.2](#)).

B My letter of 23-5-21 to the UN, and the urgency of launching phase 2 of the preliminary examination.

4. The letter of 5-23-11 ([PJ no 3](#), EN [PJ no 3.2](#)) sent to, among others, the representatives of member countries of the UN General Assembly describes **in part A** the content of the letter of 2-10-21 at the ICC related (a) to the 3 cases that I had not yet described, (b) to the decisions of the ECHR on my requests from 2001 to 2020, and (c) to the responsibilities of the EC and the OHCHR in keeping the dishonest LA law; then, **in part B**, it studies certain systemic problems of justice in France (and in other countries) and the solutions that can be implemented at the international level to help countries resolve this type of systemic problems; **in part C**, it talks about the political dimension and the consequences of my accusations of *crime against humanity* at the national and international level and on the selection process of the UNSG, and comments on the decision of the ICC; **in part D**, it recalls the many benefits of my proposals for improving LA systems around the world and the content of my 2016 platform; and finally, **in Part E**, it sets out my accusations of *crime against humanity*, proposals, demands and arguments in the context of recent UN work, Mr. Guterres' vision statement, and the process of selection of the UN Secretary General (and / or renewal of Mr. Guterres' mandate). It therefore brings many new elements which make it possible to assess the merits of my accusations against the LA law and of the crime against humanity of persecution, and, in particular, the gravity of the crime committed (see [PJ no 3, no 18-84](#), EN

[PJ no 3.2, no 18-84](#)), and it indirectly explains why it is important that you, the prosecutor of the ICC, order as soon as possible the launch of phase II of the preliminary examination on this complaint.

5. The UN report (UNDP, UNODC) on legal aid of 2016 (report [PJ no 12](#), country profile [PJ no 12.2](#)), and the report of the Task Force on Justice ([PJ no 14](#)) and the World Bank study on the benefit / cost of LA systems ([PJ no 13](#)) of 2019 mentioned in the letter of 5-23-21 ([PJ no 3, no 62](#), EN [PJ no 3.2, no 62](#)), show the urgency of improving LA systems around the world and the many benefits of developing effective LA systems that respect the basic rights of the poor, but the budgetary (financial), legal and organizational **constraints** for developing an efficient and inexpensive LA system are **very strict**, and your detailed analysis of phases 2, 3 and 4 of the preliminary examination of the complaint [including, among others, a detailed analysis of the LA law (...) problems in France, and the consequences of these problems at national and international level] would therefore help all countries to find appropriate solutions to these problems and to evaluate the merits or not of my proposals to improve the LA systems in the world and their advantages for the international community (described in detail in [PJ no 3, no 54-62](#), EN [PJ no 3.2, no 54-62](#), among others). I haven't exaggerated anything, there is an obvious and serious problem with the LA system (s) in France (and in the world); and you, a former London lawyer, can understand this better than anyone because as I have explained it on several occasions, the UK is one of the countries in the world (along with Sweden) which spends the most per capita on its LA system [6 (and 7 for Sweden) times more than France, I believe; it would therefore be insulting for the United Kingdom and its lawyers to say that the amount spent - per capita - on the LA system has no connection with the quality of the service rendered to the poor, even if the low LA system budget in France is not the only problem which affects the quality of the service rendered to the poor; on the contrary, there are several other serious problems]; moreover, the French lawyers admitted it [and the absurd and dishonest decisions of the French courts and the ECHR on my QPCs and requests on this LA law subject confirmed the serious problem], therefore the launch of phase II preliminary examination, which is in the interest of all countries, is urgent.

[6. **Presidential election in France in May 2022.** Allow me to note that I sent to the government and to French MPs and senators (as well as to the Press and the media) copies of the 3 letters of 7-10- 20, 11-23-20 and 2-15-21 describing the crime against humanity (as well as copies of the letters of 5-23-21 and 6-21-21, [PJ no 2](#), EN [PJ no 2.2](#)), and that they have made no effort to speak publicly about the serious problems of the LA system which are obvious, the serious accusations leveled against some of the political leaders and the highest judges, and the serious injustices of which the poor are victim, including me (over 20 years), while, once again, the problem is obvious, and the debates on the presidential election have already actively started, and the French should be informed of the problems of the LA law and charges against some of the candidates, at least. The launch of phase II of the preliminary examination by the ICC, which is **made public** on the ICC website, will therefore, **in addition to helping all countries** improve their LA systems and bringing justice to the millions of direct victims and billions of indirect victims, **lead to a more honest debate** on this subject in France and **inform all French people** who are, to date, deliberately **ill-informed** about the serious problems of the LA system and their consequences, including my charges sent to the ICC. It is obvious that the press and the media in France have done everything possible to avoid speaking honestly about the problems of the LA law (and the other important related matters which I spoke about); and this although (1) the lawyers took the streets regularly to demand more money for the LA system, and their representatives admitted that the LA law did not pay enough to effectively defend the poor, **without ever admitting that the poor were systematically victims** of the dishonest LA system (...) to maintain the system and the associated

undue advantages accorded to lawyers, and (2) the press and media could not ignore their obvious bad faith and that the poor were systematically victims of the dishonest LA system, including at the level of the LA offices (!)].

C Conclusion.

7. In summary, the imprecise decision of your colleagues on the complaint for *crime against humanity of persecution* linked to dishonest LA law in France is very unfair for billions of poor people around the world, and not just for the over 14 million French poor who depend on the LA law to appear before justice. I therefore allow myself (1) to send you the letter of 5-23-21 ([PJ no 3](#), EN [PJ no 3.2](#)) addressed to the representatives of member countries of the UN which gives several new arguments supporting the merits of my accusations (a) against the LA law and (b) of *crime against humanity of persecution*, and (2) ask you to take into account the comments made on the decision of 5-6-21 (no 2-3) and the content of the letter of 5-23-21 to reconsider your decision and to urgently launch phase 2 of the preliminary examination of the complaint. Of course, I remain at your disposal to provide you (orally or in writing) with any additional information or explanations you may need.

8. Thanking you in advance for your interest in this letter, and in the hope that you will initiate phase II of the preliminary examination of the complaint for *crime against humanity* linked to the dishonesty of the LA law in France, I remain

Yours sincerely,

Pierre Geneviev

PS.: If you have difficulty accessing attachments through web links, let me know, and I will email you the PDF versions of the documents. I am sorry about the translation errors in this letter, and I would be grateful to you if you could refer to the French version of the letter [<http://www.pierregeneviev.eu/npdf3-2-21/let-to-ICC-Prosecutor-FR-10-9-21.pdf>] if there are any sentences or paragraphs which are not clear or make no sense to you.

Exhibits.

- PJ no 1 : Lettre du 10-2-21 à la CPI, [<http://www.pierregeneviev.eu/npdf2/plainte-art-15-CPI-FR-10-2-21.pdf>], EN (0.2), [<http://www.pierregeneviev.eu/npdf2/plainte-art-15-CPI-EN-10-2-21.pdf>].
- PJ no 2 : Lettre du 21-6-21, [<http://www.pierregeneviev.eu/npdf3-2-21/let-UNGA-UNSC-CPIM-COE-2-FR-21-6-21.pdf>], EN (4.2), [<http://www.pierregeneviev.eu/npdf3-2-21/let-UNGA-UNSC-CPIM-COE-2-EN-21-6-21.pdf>].
- PJ no 3 : Lettre du 23-5-21, [<http://www.pierregeneviev.eu/npdf3-2-21/let-UNGA-UNSC-CPIM-COE-FR-23-5-21.pdf>], EN (4.2), [<http://www.pierregeneviev.eu/npdf3-2-21/let-UNGA-UNSC-CPIM-COE-EN-23-5-21.pdf>].
- PJ no 4 : Lettre du 23-11-20, [<http://www.pierregeneviev.eu/npdf2/let-CPI-UNSC-COE-regno3-5-FR-23-11-20.pdf>], EN (1.2) [<http://www.pierregeneviev.eu/npdf2/let-CPI-UNSC-COE-regno3-5-EN-23-11-20.pdf>].
- PJ no 5 : Lettre du 10-7-20, [<http://www.pierregeneviev.eu/npdf2/let-pace-UNSC-EU-regno2-FR-10-7-20.pdf>], EN (2.2) [<http://www.pierregeneviev.eu/npdf2/let-pace-UNSC-EU-regno2-EN-10-7-20.pdf>].
- PJ no 6 : Décision CPI, 6-5-21, [<http://www.pierregeneviev.eu/npdf3-2-21/decision-CPI-6-5-21.pdf>].
- PJ no 7 : Rep. UK, 2-9-20, [<http://www.pierregeneviev.eu/npdf2/rep-UK-For-off-2-9-20.pdf>].
- PJ no 8 : OTP policy paper, prelim. exam. FRA 2013 ; [<http://www.pierregeneviev.eu/npdf2/OTP-Policy-Paper-Preli-Exam-2013-FRA.pdf>].
- PJ no 9 : OTP policy paper, prelim. exam. EN 2013 ; [<http://www.pierregeneviev.eu/npdf2/OTP-Policy-Paper-Preli-Exam-2013-EN.pdf>].
- PJ no 10 : Elements of crime, FRA 2020 ; [<http://www.pierregeneviev.eu/npdf3-2-21/ElementsOfCrimesFra-CPI-20-10-20.pdf>].
- PJ no 11 : Elements of crime, EN 2020 ; [<http://www.pierregeneviev.eu/npdf3-2-21/ElementsOfCrimesEng.pdf>].
- PJ no 12 : Global study on legal aid UN 2016, [<http://www.pierregeneviev.eu/npdf3-2-21/Global-Study-Legal-Aid-UN-2016.pdf>].
- PJ no 13 : World Bank cost-benefit analysis on LA 2019, [<http://www.pierregeneviev.eu/npdf3-2-21/WB-Cost-Benefit-Analysis-of-LA-2019.pdf>].
- PJ no 14 : Task Force on Justice report 2019, [<http://www.pierregeneviev.eu/npdf3-2-21/Task-Force-on-Justice-Report-2019.pdf>].